

Public Document Pack

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To: Cllr Neville Phillips (Chairman)

Councillors: Bernie Attridge, Chris Bithell, Bob Connah, Jean Davies, Rob Davies, David Evans, David Healey, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Ian Smith and Arnold Woolley

24 September 2021

Dear Sir/Madam

NOTICE OF REMOTE MEETING
CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
THURSDAY, 30TH SEPTEMBER, 2021 at 2.00 PM

Yours faithfully

A handwritten signature in black ink, appearing to read 'Robert Robins'.

Robert Robins
Democratic Services Manager

Please note: This will be a remote meeting and 'attendance' will be restricted to Committee Members and those Members of Council who have asked the Head of Democratic Services for an invitation. Such attendees may only speak at the Chair's discretion.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire-public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

AGENDA

1 APOLOGIES

Purpose: To receive any apologies.

2 MINUTES (Pages 5 - 10)

Purpose: To approve as a correct record the minutes of the meeting held on 30th June 2021.

3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

4 AMENDMENTS TO THE PLANNING CODE OF PRACTICE (Pages 11 - 48)

Purpose: To review the Planning Code of Practice in line with a resolution of the Committee and Council earlier in the year

5 MEMBER INDUCTION FOR 2022 (Pages 49 - 60)

Purpose: To invite the committee to consider and contribute to the draft programme which is being developed

6 MEMBER WORKSHOPS BRIEFINGS AND SEMINARS UPDATE (Pages 61 - 64)

Purpose: To provide members with an update on engagement events held since the last report.

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE **24 MARCH 2021**

Minutes of the remote meeting of the Constitution and Democratic Services Committee of Flintshire County Council held on Wednesday, 24 March 2021

PRESENT: Councillor Neville Phillips (Chairman)

Councillors: Chris Bithell, Jean Davies, Rob Davies, David Evans, David Healey, Michelle Perfect, Vicky Perfect, Ian Smith, David Williams and Arnold Woolley

SUBSTITUTIONS: Councillors Sean Bibby for Ted Palmer

APOLOGIES: Councillor Bob Connah and Mike Peers

ALSO PRESENT AS OBSERVERS: Councillor Patrick Heesom.

Mr. Jonathan Duggan-Keen (Standards Committee)

IN ATTENDANCE: Chief Officer (Governance), Head of Democratic Services, and Democratic Services Officers. Internal Audit Manage for minute no 16.

14. DECLARATIONS OF INTEREST

None.

15. MINUTES

The minutes of the meeting held on 25 November 2020 were submitted.

Matters arising:

Page 3 – In response to a question from Councillor Chris Bithell regarding the guidance for Members on the process for reporting enquiries and complaints. The Head of Democratic Services explained that a new protocol had been circulated to Members following a meeting with Group Leaders in January which superseded the previous guidance provided.

The minutes were moved by Councillor Chris Bithell and seconded by Councillor David Evans.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

16. REVIEW OF THE AUDIT COMMITTEE'S TERMS OF REFERENCE

The Internal Audit Manager introduced a report to inform the Committee of the requirements in the Local Government and Elections (Wales) Act 2021 (sections 116-118) which required a change to the name of the Audit Committee to the Governance and Audit Committee. Appended to the report was the current Terms of Reference for the Audit Committee which had been updated to reflect the renaming of the Committee and to include the new functions going forward, as detailed in the report. The Internal Audit Manager said that the terms of reference had also been updated to address the additional changes that would be required to the composition of the renamed Governance and Audit Committee in May 2022. These changes would include the additional appointment of a lay member and also the Chair of the Governance and Audit Committee being a lay member.

The Internal Audit Manager reported that the draft Terms of Reference had been submitted to the Audit Committee prior to the meeting of the Constitution & Democratic Services Committee held today and the proposed changes to the terms of reference had been acknowledged. If accepted by the Committee they would be presented to County Council on 1 April for approval

The recommendation in the report was moved by Councillor Chris Bithell and seconded by Councillor Jean Davies.

RESOLVED:

That the updated terms of reference as appended to the report which includes the amended name of the Council's Audit Committee and the new functions as set out in the Local Government and Elections (Wales) Act 2021 be acknowledged

17. REVIEW OF PROTOCOL FOR MEETING CONTRACTORS

The Chief Officer (Governance) explained that the Protocol had been reviewed as part of the Committee's rolling programme of reviewing the Constitution. The periodic refresh was an opportunity to check that the document remained up to date and pertinent. He provided background information and said the Protocol explained the considerations that apply to the award of contracts and the determination of planning applications. It gave guidance on whether Members should meet with people seeking contracts with the Council and safeguards that should be applied if they did so. The guidance remained necessary although some of the terminology needed updating and the proposed changes were as shown in Appendix 1 of the report.

The Chief Officer explained that the Protocol also gave advice on what Members should do if they were approached or lobbied by either planning applicants

or objectors. The guidance on dealings with developers required updating, however, in addressing these matters the Protocol overlapped with the Planning Code of Guidance. It was suggested that the Protocol should not seek to duplicate advice given elsewhere and the parts of the document relating to planning should be removed and the Planning Code of Guidance be updated instead. This document would be updated and reported to the Planning Strategy Group before being presented to the Constitution & Democratic Services Committee. The amended Protocol should then be included within training and induction programmes for officers who award contracts and Members of Cabinet.

Referring to Appendix 1, Councillor Chris Bithell raised a number of queries on the proposed changes to the Protocol. The Chief Officer responded to the comments and questions and provided clarification on where text had been inserted and deleted in the tracked changes. In response to the suggestion by Councillor Bithell the Chief Officer agreed to amend the wording on page 27, paragraph 1.3, to read as follows: "One of the overriding principles that must be complied with is that officers and Members should show no undue favour to any contractor". The Chief Officer also agreed to the further suggestion by Councillor Bithell that an additional precaution be included in section 6, page 28, that recordings of meetings/conversations should not be made without permission.

Councillor David Evans commented on a matter which had been brought to his attention by a resident in his Ward concerning the progress of a planning application regarding a business. The Chief Officer advised that the Protocol did not prevent Members from advocating on behalf of residents in their Ward or other people. However, he agreed that further clarification could be helpful to outline the appropriate and positive role Members could undertake as community representatives if approached by applicants to request assistance in the progress of a business application which could benefit the Council or their Ward without the Member incurring any potential legal ramifications for the Council. In response to a further question by Councillor Evans concerning paragraph 1.3, page 27, the Chief Officer provided explanation of the meaning of the terminology 'undue favour' as referred to and said this was to avoid personal, or personal and prejudicial interests, being made by Members.

The recommendation in the report was moved by Councillor Chris Bithell and seconded by Councillor David Evans.

RESOLVED:

- (a) That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to dealings with parties who might be bidding for or seeding a contact with the Council be amended as shown in the Appendix to the report; and
- (b) That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to Planning be

transferred to the Planning Code of Guidance (to the extent that they are not already incorporated therein) and that the Planning Code of Guidance be updated.

18. UPDATE ON THE IMPLEMENTATION OF THE LOCAL GOVERNMENT & ELECTIONS ACT

The Chief Officer (Governance) introduced a report to apprise the Committee of ongoing implementation of the Local Government and Elections (Wales) Act 2021. He advised that the provisions of the Act would be brought into force by three commencement orders accompanied by other relevant subordinate legislation during March 2021. These orders would bring the relevant provisions into force on a series of dates between March 2021 and 5 May 2022. As a consequence of the pandemic the commencement of a number of the Act's provisions had been postponed to 5 May 2022 to correspond with the date of the next Local Government elections. The Chief Officer reported on the main considerations and referred to the details of the commencement orders as shown in the report.

The Head of Democratic Services advised that Commencement order No.2 had been made on 11 March and dealt with the performance and governance regime for principal Councils and gave Welsh Ministers new support and intervention powers. Commencement Order No.3 was made on 18 March and brought into force provisions in respect of remote attendance at local authority meetings and arrangements for local authority meetings and documents, including requiring electronic publication of certain meeting documents.

Councillor Chris Bithell raised questions on the provisions under the first commencement order and the duties from 5 May 2022 for principal councils to make arrangements to enable the electronic broadcasting of meetings; to establish a petitions scheme; and the power to require authorities to appoint joint overview and scrutiny committees. The Chief Officer advised that the Act formally made provision for the temporary arrangements put in place until May 2021 due to the pandemic for holding remote meetings. He also said that provision was being made for electronic petitions to be made available. Officers responded to the question on the enabling power to appoint joint overview and scrutiny committees and it was agreed that the Head of Democratic Services would provide further information on this duty following the meeting. The Head of Democratic Services referred to the Local Government (Wales) Measure 2011 which advised that local authorities may set up joint scrutiny committees and explained that the wording had been changed from 'may' to 'must'.

Councillor Chris Bithell also sought clarification on the removal of the restriction on monitoring officers also being designated Head of Democratic Services, and on the abolition of polls consequent on a Community meeting, which were being brought into force on 5 May 2022 for principal councils. In response the Chief Officer advised that the first matter had been to provide a statutory separation of powers: the post of Head of Democratic Services which provided support to non-

executive members to fulfil their role was not combined with the post of the Monitoring Officer. In response to the second matter he outlined how community polls were conducted and commented that the Welsh Government had probably determined that there were better ways of engaging with the public to determine public opinion

The recommendation in the report was moved by Councillor Jean Davies and seconded by Councillor David Healey.

RESOLVED:

That the implementation timetable be noted and further updates be provided in due course.

19. ADOPTION ABSENCE FOR LOCAL AUTHORITY MEMBERS

The Head of Democratic Services introduced a report to inform the Committee of the increase in adopter's absence entitlement for Members. He provided background information and advised that the relevant part of the Constitution had been changed to reflect the new increase in adoption absence period for local authority members from 2 to 26 weeks

The recommendations in the report were moved by Councillor Chris Bithell and seconded by Councillor Ian Smith.

RESOLVED:

That the Committee notes that the Welsh Government have made the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021; and the Constitution amended accordingly.

20. MEMBER WORKSHOPS, BRIEFINGS AND SEMINARS UPDATE

The Head of Democratic Services introduced a report to provide an update on the engagement events held during the last year. He drew attention to the events provided, using webex video technology, from 1 July 2020 to 22 March 2021 as detailed in the report. He invited Members to contact him with any suggestions they wished to put forward for future Member development events.

In response to a request from Councillor Chris Bithell it was agreed that the Head of Democratic Services would include the number of Members attending each event in future reports to the Committee

The recommendations in the report were moved by Councillor Chris Bithell and seconded by Councillor Rob Davies.

RESOLVED:

- (a) That the progress with Member Workshops, Briefings and Seminars since the last report be noted; and
- (b) That if Members had any suggestions for future Member Development they contact the Head of Democratic Services to discuss them.

21. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.08 pm)

.....
Chairman



CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

| | |
|------------------------|---|
| Date of Meeting | Thursday 30 th September 2021 |
| Report Subject | Amendments to the Planning Code of Practice |
| Report Author | Deputy Monitoring Officer |

EXECUTIVE SUMMARY

In March 2021 the Committee considered a review of the Protocol for Meeting Contractors (the Protocol) as part of the Committee's rolling review of the Council's Constitution. The parts of the Protocol relating to Members in their Dealings with Contractors/Developers and Other Third Parties who might be bidding for, or seeking, a contract with the Council were updated.

The Protocol previously contained guidance around dealing with developers and the Committee resolved that this guidance be removed from the Protocol to avoid duplication with the Planning Code of Practice (PCoP), which was the more appropriate guidance document for those purposes.

The Committee resolved that the parts of the Protocol for Meetings with Contractors that provided advice in respect of Developers should be contained in the PCoP and that the PCoP be updated accordingly.

At the Council meeting in April 2021, which approved the updated Protocol, Members also requested that advice be added to the PCoP around the pre-application consultation process.

The Planning Strategy Group (PSG) considered the above proposed changes to the PCoP on the 13 May and again on the 10 June 2021. Members of the PSG meeting requested a number of additional alterations to the PCoP that they felt would be of assistance to Members involved in the planning process.

On the 5 of July 2021 the Standards Committee proposed some further additional amendments.

RECOMMENDATIONS

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| 1 | That the Committee approve the alterations to the PCoP as identified in tracked changes in Appendix 1 of this report. |
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REPORT DETAILS

| 1.00 | EXPLAINING THE AMENDMENTS TO THE PLANNING CODE OF PRACTICE |
|-------------|--|
| 1.01 | Currently the PCoP requires members of the Planning Committee to declare, at the beginning of a Planning Committee meeting, if they have been contacted by applicants or developers on four or more occasions. However, there is no further advice within the PCoP in respect of such contact. It is therefore appropriate that the PCoP is updated to provide Members with advice about what to do in such circumstances and what the implications of such contact might mean in respect of their participation at the meeting. Paragraph 5.3 accordingly suggests amendments. |
| 1.02 | In April this year, when Council approved amendments to the Protocol, Members requested that further guidance and advice be specifically provided in the PCoP for members of the Planning Committee who are consulted pursuant to pre-application consultation requirements. Section 61Z of the Town and Country Planning Act 1990 and Part 1A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 contains pre-application consultation requirements for certain proposed developments. Broadly speaking, these requirements are about consulting with landowners, and others who are likely to be directly impacted by a proposed development, and the provisions include a specific requirement to consult with local Councillors and Community Councils. Within the current PCoP there is no specific reference to this process and the proposed alterations at paragraph 8 of the PCoP are intended to provide that clarity. |
| 1.03 | At the meeting of PSG on 13 th May last, Members considered proposed changes to the PCoP to deal with the matters referred to at paragraphs 1.01 to 1.02 above and also considered that further amendments were appropriate in order to provide additional clarity. Members resolved that a further report should be taken to the meeting of PSG on the 10 June to deal with these additional matters and the additional proposed alterations to the PCoP are identified in tracked changes in the appendix to this report. |
| 1.04 | On the 5 th of July 2021 the Standards Committee considered and approved the proposed alterations and in addition proposed some additional amendments for consistency and accuracy (e.g. retaining a single reference to 'Chair' throughout the document as opposed to interchanging between Chair and Chairperson) and those amendments are also shown in tracked changes in appendix 1 to this report. |

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| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | None associated with this report. |

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| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 3.01 | PSG and the Standards Committee have been consulted and have proposed alterations to the PCoP which is part of the Council's Constitution and which therefore needs to be considered and approved by the Constitution and Democratic Services Committee and then full Council. |

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| 4.00 | RISK MANAGEMENT |
| 4.01 | Not applicable. |

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| 5.00 | APPENDICES |
| 5.01 | Appendix 1 - The Planning Code of Practice with proposed alterations shown as tracked. Appendix 2 - The Planning Code of Practice with proposed alterations accepted. |

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| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | No relevant background documents other than the previous reports to the Committee, PSG and Standards Committee on PCoP and the Protocol and the report to Council on the Protocol. Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk |

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|-------------|--------------------------|
| 7.00 | GLOSSARY OF TERMS |
| 7.01 | None. |

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SECTION 23

23. PLANNING CODE OF PRACTICE

HOW WE DEAL WITH PLANNING APPLICATIONS AND OTHER PLANNING ISSUES

CONTENTS

1. INTRODUCTION
2. ROLE OF MEMBERS AND OFFICERS
 - 2.1 General
 - 2.2 Role of Officers
 - 2.3 Role of Members
 - 2.4 Member / Officer Contact
3. TRAINING
4. REGISTRATION AND DECLARATION OF INTERESTS
 - 4.1 Code of Conduct
 - 4.2 Personal Interests
 - 4.3 Declaration
 - 4.4 Pre-determination
 - 4.5 Register
 - 4.6 Dual Community / Town Council Membership
5. LOBBYING
6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS
7. APPLICATIONS SUBMITTED BY THE COUNCIL
8. PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS AND PRE-APPLICATION CONSULTATIONS
9. PLANNING COMMITTEE SITE VISITS
 - 9.1 Purpose
 - 9.2 Request for a Site Visit
 - 9.3 Format and Conduct at the Site Visit
10. PROCEDURE AT PLANNING ~~& DEVELOPMENT CONTROL~~ COMMITTEE
11. DECISIONS CONTRARY TO OFFICER RECOMMENDATION
12. APPEALS AGAINST COUNCIL DECISIONS

13. PLANNING OBLIGATIONS
14. REGULAR REVIEW OF DECISIONS
15. COMPLAINTS

1. **INTRODUCTION**

1.1 The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, national Planning Guidance and other material considerations. Planning can be contentious because its decisions affect the daily lives of individuals, landowners and developers.

[1.2](#) It is important therefore that the process is open and transparent. In other words the system should not only be fair but it should be seen to be fair. The Nolan Committee's report on Standards in Public Life gave close consideration to these issues and its recommendations feature significantly in the Local Government Association's revised 2002 guidance for Members and Officers in dealing with planning matters. Members are advised to read the LGA guidance as it provides useful background to the Code of Practice.

[1.32](#) This Code of Practice provides guidance to elected Members, officers and developers on the planning process. It is supplementary to the Flintshire Member and Officer Codes of Conduct and the Protocol on Member/officer relations all of which are contained in the Council Constitution.

[1.43](#) Whilst the principles set out in this document apply primarily to the manner in which individual planning applications should be dealt with, they also apply to the decision-making process relating to any aspect of the planning function.

2. **ROLE OF MEMBERS AND OFFICERS**

2.1 **General**

2.1.1 Members and officers have different but complementary roles. Both serve the public but Members are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not individual Members, and Members instructions may only be given to officers through a decision of the Council, its Cabinet or a Committee.

2.1.2 It is important that a good relationship exists between Members and officers and that this is based on mutual trust and understanding of each other's positions. This relationship and trust must never be abused or compromised.

2.2 **Role of Officers**

2.2.1 The officer's function is to advise and assist Members in the formulation of planning policies, in the determination of planning applications and, deciding whether or not to take enforcement action for breaches of planning control. Officers should:-

- Provide impartial and professional advice.
- Make sure that all accurate information necessary for the decision to be made is given.
- Provide a clear and accurate analysis of the issues.
- Set applications and enforcement issues against the broader Development Plan policies and all other material considerations.
- Give a clear recommendation based on the above requirements.
- Carry out the decisions made by Members in committee or through the delegated authority of the Chief Officer, Planning ~~and~~ Environment and Economy—□ Update Members on new legislation and guidance.
- Provide appropriate training and briefings for Members.

2.3 Role of Members

2.3.1 The full Council is responsible for setting the Council's formal planning policy framework through the Development Plan(s). As a general principle there is an expectation that Members will uphold the Council's planning policies.

2.3.2 When Members come to make a decision they must:-

- Be clear as to whether or not they have an interest which needs to be declared if not already done so or seek advice from the legal officer if unsure.
- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid giving the impression that the Member has made her / his mind up prior to the application being determined.
- Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

2.3.3 Where a planning application relates to a Member's ward the views of the local Member are important to the Chief Officer, Planning, ~~&~~ Environment and Economy, and to the Chair and Members of the ~~Planning and Development Control Committee~~ Planning Committee. Ward Members should not become too closely identified with special interest groups if they wish to vote in the ~~Planning and Development Control Committee~~ Planning Committee. Whilst Members have a responsibility to their constituents their overriding duty is to the whole County and therefore need to consider proposed developments in the interests of the wider community.

2.3.4 Members should not decide how to vote on any application at any formal political group meeting. Political group meetings should never dictate how Members should vote on a planning issue.

2.4 **Member / Officer Contact**

- 2.4.1 The officer / Member relationship is extremely important for good decision making and an effective planning service. The mutual understanding of their respective roles and respect for each other's position is vital for good relations.
- 2.4.2 In making enquiries regarding individual applications Members should make contact with the Case Officer or Line Manager and make an appointment if necessary. Whilst Members may wish to seek advice or information from the Chief Officer, Planning, ~~& Environment~~ and Economy or the Development Manager, Members should in the first instance seek information from the Case Officer. Information can be sought and provided by e-mail.
- 2.4.3 Officers will provide every reasonable help to Members in the carrying out of their duties. Meetings between officers and Members may sometimes be helpful, but are only likely to be of value if prior arrangements have been made. This allows the officer to have all relevant documents available at the meeting. Prior arrangements may be made by telephoning the relevant Officer or the Planning Services Reception staff or by email. Members rooms can be utilised and suitable rooms can be made available by mutual agreement if privacy is required or a virtual meeting may be arranged where all parties agree.
- 2.4.4 It is acknowledged that Members and officers may well have differing views on a proposal but Members should on no account interfere with or put pressure on officers to make a particular recommendation.

3. **TRAINING**

- 3.1 All members of the Council are required to have received core planning training covering planning policies, procedures, law and this Code.
- 3.2 Other training will be arranged by officers in consultation with members in the form of additional sessions, seminars and workshops on topical issues and to keep members up to date on new procedures, advice and guidance.
- 3.3 Members of the Planning ~~& Development Control~~ Committee ~~(including substitute members)~~ are required at all times between ordinary County Council elections to attend at least 75% of the planning training topics covered during their membership of the Committee.
- 3.4 Attendance at planning training will be monitored and reported to the Planning Strategy Group who may grant an exception to the requirements of paragraph 3.3 where there is good reason for a member temporarily failing to meet this requirement.

4. REGISTRATION AND DECLARATION OF INTERESTS

4.1 Code of Conduct

4.1.1 Members should follow scrupulously the County Council's **Members' Code of Conduct** in relation to registration and declaration of interests and, if an interest is declared, in deciding whether the Member should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. If a Member considers he/she may have a personal interest they should consult the Monitoring Officer, Deputy Monitoring Officer or a Senior Officer of Legal & Democratic Services for advice on their position ideally in advance of the meeting.

4.2 Personal Interests

4.2.1 The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Member's dealings with Council officers, or with other Members. Where a Member has a personal interest, as defined by the Code, it must always be declared. It does not necessarily follow that the Member is debarred from participation in the discussion. The responsibility for declaring an interest lies with the Member, but the Monitoring Officer is there to advise. If there is any doubt in a Member's mind, he / she should seek early advice from the Monitoring Officer, Deputy Monitoring Officer or other Senior Officer of Legal & Democratic Services on their position. Members should err on the side of declaring an interest when they are not sure.

4.2.2 Members who have substantial property, professional or other interests relating to the planning function which would prevent them from voting on a regular basis, should avoid serving on the ~~Planning and Development Control Committee~~ Planning Committee.

4.2.3 Where a Local Member has decided he / she has a personal interest making it inappropriate for that Member to be involved in the processing and determination of a planning application in his / her ward such a Member may arrange for another Member to act as local Member instead to represent constituents' views. In such a situation the local Member should inform the Monitoring Officer and the Chief Officer, Planning, ~~& Environment~~ and Economy of the arrangement made and take no further part in the processing and determination of the planning application other than referring any representations or communications received to the Member who is acting as local Member.

4.3 Declaration

4.3.1 When declaring an interest at committee, this should be done at the beginning of the meeting. Members should be clear and specific in identifying the item on the agenda in which they have an interest, and the nature of that interest.

4.4 **Predetermination**

- 4.4.1 A Member has predetermined a planning application where the Member shows (e.g. in local press) he/she has made their mind up on the merits of the application prior to it being considered at committee. A predisposition is where a Member has an inclination or preliminary view on the merits of the application.
- 4.4.2. A Member who has predetermined the merits of a planning application in advance of it being considered at committee should not be a Member of the committee that considers that application. A Member of the committee may have a predisposition or a preliminary view. If in doubt a Committee Member should seek advice prior to the Committee meeting from either the Monitoring Officer or the Solicitor who attends committee meetings.
- 4.4.3 Those Members who do not sit on the Planning ~~& Development Control~~ Committee may predetermine their stance on an application but should respect the fact that Planning Committee Members cannot do the same.

4.5 **Register**

- 4.5.1 A register of Members' interests is maintained by the Council's Monitoring Officer. It is available for public inspection. Each Member has a responsibility to provide the Monitoring Officer with up to date written details of relevant interests.

4.6 **Dual Community / Town and County Council Membership**

- 4.6.1 Membership of a Town / Community Council which has expressed a view on a planning matter does not in itself mean that the Member cannot take part in the determination of the matter when it comes before the ~~Planning and Development Control Committee~~ Planning Committee provided that the Member has kept an open mind and not committed himself / herself to a final view on the matter until all the arguments for and against have been aired at committee. The Member can enter into discussion and ask questions, but should make clear that a view in favour or against the proposal is on the basis of knowledge and information known at that time.
- 4.6.2 Where an application submitted by a Community or Town Council is being considered then a Member of that Council may not vote on the proposal to determine the application unless the Member has obtained dispensation from the Standards Committee.

4.7 **Cabinet Members who also sit as members of the Planning Committee**

Where a Member of the Planning Committee is also a Cabinet Member, there are likely to be occasions where an application for planning permission is being considered by the Planning Committee that also relates to a Cabinet Members'

Portfolio. For example, there may be a planning application for a new school and the Cabinet Member responsible for Education may also sit as a Member of the Planning Committee. This does not give rise to a personal and prejudicial interest, as the Councillor is acting as a County Councillor both as a Cabinet Member and as a Planning Committee Member. However, it may be the case that if the planning application is very closely related to a specific decision made by a Cabinet Member they may be perceived to have predetermined their stance. If a Member is unsure of their position in this regard they should contact the Monitoring Officer, Deputy Monitoring Officer or a Senior Officer of Legal Services for advice on their position, ideally in advance of the meeting.

5. **LOBBYING**

- 5.1 Lobbying is a part of the political process and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Members before a planning application is determined. Welsh Government guidance on pre-application planning consultations encourages developers to speak to local councillors in order to understand the local context and their concerns as well as to explain any proposed development. This can help Members' understanding of the issues and concerns associated with an application. Officers should be made aware of any lobbying correspondence Members receive.
- 5.2 However, Members of the Planning ~~& Development Control~~ Committee are under an obligation to determine matters on their merits and in a manner that is seen to be impartial. That means that they should not take a firm view on a planning matter before receiving and reading the officer's report or receiving any new information reported to the committee nor create the impression that they favour one outcome or another. Whilst Members of the committee may form an initial view or opinion, and indicate their view that an application is contrary to policy, they should not openly declare which way they intend to vote in advance of the ~~Planning and Development Control Committee~~ Planning Committee meeting nor suggest that they support either the applicant or any objector(s). To avoid compromising their position before they have received all the relevant information, committee Members are advised that they should:-
- > **Refer** applicants / developers who approach them for planning or procedural advice to the appropriate Planning Officer.
 - > **Avoid** making it known in advance whether they support or oppose the proposal.
 - > **Avoid** campaigning actively in support of a particular outcome.
 - > **Direct** lobbyists or objectors to the appropriate Planning Officer, who will include reference to their opinions where relevant in their report.
- 5.3 ~~Members should declare at the appropriate part of~~ Prior to the committee meeting any member who has significant contact with applicants and objectors must without delay seek advice from the Monitoring Officer or Deputy Monitoring Officer on whether there is a risk that the member's impartiality might be seen as

compromised. Significant contact is where a Member has been contacted on four or more occasions by the applicant or the same objector (either orally or in writing). Officers might advise a member that they should only speak but not vote on an application in order to protect the impartiality of the decision making process.

- 5.4 Members must advise the Ward Member and adjoining ward members as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that where a planning application has a significant effect on another ward the Member(s) for that ward is entitled to become involved in the development proposal.
- 5.5 Members of the Planning ~~& Development Control~~ Committee must avoid organising support for or against a planning application. Where such a Member does organise support for or against a planning application then that Member ~~must~~ must not participate in the decision-making on that application when it is considered by the Planning Committee ~~stand down from the Planning and Development Control Committee~~ Planning Committee on such a planning application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer, Deputy Monitoring Officer or other Senior Officer in Legal & Democratic Services ideally in advance of the meeting.
- 5.6 If a Planning ~~& Development Control~~ Committee Member expresses support for, or opposition to, a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he / she could have some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. If such a Member does express an opinion, then it should make it clear that it is a preliminary opinion and that he / she will only be in a position to take a final decision when all the evidence and arguments have been considered.
- 5.7 Where a member of the committee has not complied with 5.2, 5.5 or 5.6 above and has predetermined the merits of the application, they must not participate in the decision-making on that application.
- 5.8 If a Member becomes a new member of the Planning Committee it is possible that they may have made clear their position on a particular application prior to becoming a member of the Planning Committee. If that application is subsequently before the Planning Committee for determination they must not participate in the decision-making on that application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer, Deputy Monitoring Officer or other Senior Officer in Legal & Democratic Services ideally in advance of the meeting.

6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

- 6.1 Planning applications submitted by or on behalf of Members, or officers involved in the planning application process, or the close relatives* of Members or such officers and where the officer or Member knows of the application shall be decided by the Planning ~~and Development Control~~ Committee and not by the Chief Officer, Planning ~~& Environment~~ and Economy under delegated powers.

[* Close relative is defined as spouse, partner, parent, child or sibling].

- 6.2 A Member affected by clause 6.1 shall declare the personal and prejudicial interest at any meeting of the ~~Planning and Development Control Committee~~ Planning Committee to determine the application, take no part in the decision and leave the meeting place unless granted a dispensation by the Standards Committee.
- 6.3 The affected officer shall take no part in the processing of the application and its determination.

7. APPLICATIONS SUBMITTED BY THE COUNCIL

- 7.1 It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.
- 7.2 Subject to any legislative restrictions all such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning considerations and in accordance with the Council's scheme of delegation for all planning applications as set out in the Council's constitution.

8. PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS AND PRE-APPLICATION CONSULTATIONS

- 8.1 Pre-application meetings between officers and potential applicants and negotiations regarding breaches of planning control are encouraged. The aim of such meetings is to ensure beneficial development and to resolve matters that might otherwise lead to the refusal of planning permission. Such discussions will normally take place at officer level and Members should refer requests for such advice to the officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional. To avoid such meetings being misunderstood:-

> **It will be made clear** prior to and at such meetings that only personal and provisional views based upon the Development Plan and other material considerations can be given and no commitments can be made which would bind or otherwise compromise the Planning ~~& Development Control~~

- Committee or any member of this committee.
- > **A note** of the discussion will be taken and placed on file and made available for public inspection once an application has been made.
 - > **Where** exceptionally meetings are to involve Members the meetings will be arranged by and attended by officers and the adjoining ward member will be invited to attend.

8.2 Pre-application Consultation (PACs) requirements are different from the meetings referred to at paragraph 8.1 above. They are statutory requirements that have been introduced to require developers to consult on certain development proposals, prior to submitting a planning application. Members are usually consulted directly by the developers as part of these requirements. Planning officers are not required to be consulted as there is no requirement as part of the PAC process to consult the local planning authority. However, depending on the size of the proposal other officers within the Council may be consulted, such as the Council's Highway Engineers. If Members are requested to attend any meetings as part of this process it is still recommended that they contact a planning officer and that the advice at paragraph 8.1 above is followed. The advice at paragraph 5 above equally applies where developers contact Members as part of the PAC process and Officers should be made aware of any correspondence Members receive. -Further advice about the PAC process can be found on the gov.wales website.

9. **PLANNING COMMITTEE SITE VISITS**

9.1 **Purpose**

9.1.1 ~~Planning and Development Control Committee~~ Planning Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises held for the benefit of Members where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general character of the area due to the scale or design of the development.

9.2 **Request for a Site Visit**

9.2.1 A request for a site visit is normally made by the local Ward Member in response to being consulted on the proposed development. The request must be in writing (e.g. e-mail) and should clearly indicate the planning reasons for the visit which will appear on the agenda for site visits. Site visits can be costly and cause delay so it is important that they are only held where necessary and prior to committee. Site visits are held pursuant to a decision of the Chair of the ~~Planning and Development Control Committee~~ Planning Committee or pursuant to a request from a local Member including another Ward Member consulted

because the application significantly affects the other ward. All local Members will be advised when a site visit has been arranged.

- 9.2.2 Examples where a site visit would not normally be appropriate include where;
- purely policy matters or issues of principle are at issue
 - the Member wishes to consider boundary or neighbour disputes
 - issues of competition
 - loss of property values
 - any other issues which are not material planning considerations
- where Members have already visited the site within the last 12 months, except in exceptional circumstances

Where no planning reason is given for the site visit or the reason for the site visit is any of the above the Chair should not convene the site visit.

9.3 **Format and Conduct at the Site Visit**

9.3.1 Members of the ~~Planning and Development Control Committee~~ Planning Committee and the Local Ward Member(s) will be notified in advance of any visit. Such visits are not formal meetings of the Committee and there is no right of public attendance at the visit itself. If the public in lobbying Members on their way to or from a site visit seek to present documentation they should be advised to send it to the Planning Department instead

9.3.2 Advance notice of the site visit will also be sent to the applicant or agent requesting that access to the site for Members/officers be provided at the specified time/date and pointing out that the applicant/agent will not be allowed to participate in the site visit. Any Member with a personal and prejudicial interest must not take part in the site visit.

9.3.3 The Chair will invite the Planning Officer to briefly outline the proposal and point out the key issues raised by the application and of any vantage points from which the site should be viewed then the local ward Member (and adjoining ward Member in the exceptional circumstances that they are also present) will be invited to speak, followed by other Members of the Committee who may ask questions and seek clarification from officers who will respond. Any statement or discussion concerning the principles and policies applicable to the development should not be allowed by the ~~Chairman~~ Chair.

9.3.4 Although site visits are not part of the formal committee consideration of the application, the Code of Conduct still applies to site visits and Members should have regard to the guidance on declarations of personal interest.

9.3.5 A file record will be kept of those attending the site visit, together with a brief note of any points raised.

9.3.6 For the avoidance of doubt references in this section to Local Member(s) includes adjacent ward Members where the application significantly affects their ward.

9.3.7 Occasionally the applicant/agent/owner of the site to be visited may not permit Members and officers onto the site. There may be good reason for this, for example, if someone was injured they could have a claim against the landowner. Where access is refused to one or more of the elected Members, the ~~Chairman~~Chair will be advised that none of the Members and officers should enter onto the land. In such circumstances the site should be viewed from the nearest public land such as the public highway.

9.3.8. In summary site visits are:- >

Fact finding exercise.

> **Not part** of the formal committee meeting and therefore public rights of attendance do not apply.

> **To enable** officers to point out relevant features.

> **To enable** questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent committee.

10. PROCEDURE AT PLANNING ~~COMMITTEE~~ & ~~DEVELOPMENT CONTROL~~ COMMITTEE

10.1 The majority of planning applications are determined by the Chief Officer, Planning, ~~& Environment~~ and Economy under the Council's delegation scheme. This is necessary to ensure that most decisions are made in a timely manner. Whilst Members have a right to request that applications, affecting their ward be determined by the ~~Planning and Development Control Committee~~Planning Committee such requests should be justified by clearly identifying in writing why a committee decision is required. This is generally done on the return notification form sent out to Members.

10.2 Officers will produce written reports on all planning applications reported to committee. In respect of each proposal the report will include, amongst other matters;

- description of the proposal
- description of the site
- responses to consultations and officer observations thereon.
- summary of objections and / or support received
- relevant site history
- relevant Development Plan policies

- relevant planning guidance where appropriate
 - any other material planning consideration
 - an appraisal by the Case Officer which will include the relevant views of other consulted officers within the Planning Division
 - a clear recommendation
 - brief details of the substance of any conditions to be imposed or;
 - full details of reasons for refusal.
- 10.3 Late observations received by 5.00 p.m. the day before a committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting.
- 10.4 The Planning Officer will briefly introduce each item highlighting the key issues for Members consideration.
- 10.5 Where an application is being reported to committee, the Chair will allow oral representations to be made in accordance with the protocol on public speaking prior to the committee debating the application.
- 10.6 Where a Member seeks and obtains a majority for a deferment for a specific purpose then there will be no further debate on that matter until such time as the proposal is re-presented.
- 10.7 Members who read out at committee, or refer to, communications they have received should provide an advance copy to officers

11. DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 11.1 From time to time members of the Planning ~~& Development Control~~ Committee will disagree with the professional advice given by the Chief Officer, Planning ~~& Environment~~ and Economy. The committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. If Members propose to make a decision contrary to the officer recommendation (whether for approval or refusal), the proposer should set out clearly the reasons for doing so. The ~~Chairperson~~ Chair will ensure that the officer is given the opportunity to explain the implications of the contrary decision, before a vote is taken.
- 11.2 In cases where the ~~Planning and Development Control Committee~~ Planning Committee decides for good and valid reasons to depart from the Chief Officer, Planning ~~& Environment~~ and Economy's recommendation, the committee must always define the reasons for rejecting the officer's recommendation and those reasons must be recorded in the minutes of the meeting.
- 11.3 In the case of conditions which the committee has resolved to add or amend the precise wording is delegated to the Chief Officer, Planning ~~& Environment~~ and Economy and, if appropriate, in consultation with the Chair of committee.

- 11.4 In cases of refusal the reasons shall be clearly stated and agreed by Members. There may be occasions when officers need to clarify the reasons for refusal either at the meeting itself or by a report to a subsequent meeting.
- 11.5 A legal advisor present at the committee meeting may subsequently prevent a decision notice being issued until a report by the Chief Officer Governance has been considered at the subsequent committee meeting. The reason for this report may be concerns of a legal nature or that at the committee meeting the Chief Officer, Planning ~~and Environment~~ and Economy indicated the proposed decision represents a significant departure from planning policy and the legal officer subsequently agreed.

12. PLANNING APPEALS

- 12.1 There are a wide variety of different factual situations relating to appeals. There can be appeals against non-determination or against a refusal made under officers' delegated powers or by the Planning ~~& Development Control~~ Committee, either in accordance with the officer recommendation or contrary to the officer recommendation. Appeals can be heard by way of written representations, informal hearing or at an inquiry. The appeal may relate to a major or a minor planning proposal, a development that has attracted a lot of interest from Members and the public or a proposal that is of limited interest. Because of the range of circumstances, the way the Council responds to an appeal will be individual to the circumstances of that appeal. The following principles will guide the Council's response to each specific appeal.
- 12.2 The Council recognises the importance of complying with the timescales within the appeal process as a failure to meet these timescales can lead to an award of costs against the Council.
- 12.3 The Council will adopt a team approach to appeals whereby Members and officers work together in the best interest of the Council, irrespective of how the decision appealed against was arrived at.
- 12.4 The decision whether an appeal is determined by way of written representations, informal hearing or public inquiry is a matter for the Planning Inspectorate but the Council is given the opportunity of making representations as to the appropriate format. The Chief Officer, Planning ~~& Environment~~ and Economy will make representations on behalf of the Council as to its preferred format where possible following consultation with the local Member(s).
- 12.5 In the case of Informal Hearings and inquiries, the Chief Officer, Planning ~~& Environment~~ -Environment and Economy will determine who shall present the case on behalf of the Council following consultation with the Chair and Vice Chair of the ~~Planning and Development Control Committee~~ Planning Committee.

12.6 Where the decision appealed against was made by officers under delegated powers or was pursuant to an officer recommendation, the case will normally be presented by the Council's officers.

~~12.7~~ Where the decision was made by Members contrary to officer recommendation, attendance by one or more Members would assist the Council's case and relevant Members will be approached by the Chief Officer, Planning & Environment and Economy to ascertain their availability. Officers will assist any such Member in preparing for the appeal.

~~12.7~~

~~12.8~~ External legal representation and/or consultants will be engaged where the Chief Officer, Planning & Environment and Economy, following consultation with the Local Member(s) and the Chair and Vice Chair of the Planning Committee, believes this to be appropriate in all the circumstances. One relevant circumstance is the need for Planning Officers who are members of The Royal Town Planning Institute to comply with its Code of Professional Conduct and not make statements purporting to be their own which are contrary to their bona fide professional opinion.

~~12.8~~

13. **PLANNING OBLIGATIONS**

13.1 The ~~Planning and Development Control Committee~~ Planning Committee may, when considering the merits of an individual planning application, consider any planning obligation which has been raised with the applicant or agent but should form a view solely on the basis of the contents of the application and should take into account offered planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms.

13.2 Members should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council, or benefits which the Council itself wishes to obtain.

14. **REGULAR REVIEW OF DECISIONS**

14.1 As part of the aim to continually improve the quality of planning decisions Members will have the opportunity to revisit a sample of implemented planning decisions. Such reviews will be a positive step to improve the quality and consistency of decision-making, not only strengthening public confidence in the planning system but also assist with the review of planning policy.

14.2 Such a review will take place annually and briefing notes will be prepared for each case. The Planning Strategy Group will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

15. **COMPLAINTS**

15.1 Any issues or concern arising from this Code of Practice can be raised with the ~~Chairperson~~Chair of the ~~Planning and Development Control Committee~~Planning Committee, the Monitoring Officer, the Chief Officer, Planning, ~~&~~ Environment and Economy or the Legal Officer present at committee. (The Council also has a formal complaints system in operation, which can be used if necessary).

SECTION 23

23. PLANNING CODE OF PRACTICE

HOW WE DEAL WITH PLANNING APPLICATIONS AND OTHER PLANNING ISSUES

CONTENTS

1. INTRODUCTION
2. ROLE OF MEMBERS AND OFFICERS
 - 2.1 General
 - 2.2 Role of Officers
 - 2.3 Role of Members
 - 2.4 Member / Officer Contact
3. TRAINING
4. REGISTRATION AND DECLARATION OF INTERESTS
 - 4.1 Code of Conduct
 - 4.2 Personal Interests
 - 4.3 Declaration
 - 4.4 Pre-determination
 - 4.5 Register
 - 4.6 Dual Community / Town Council Membership
5. LOBBYING
6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS
7. APPLICATIONS SUBMITTED BY THE COUNCIL
8. PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS AND PRE-APPLICATION CONSULTATIONS
9. PLANNING COMMITTEE SITE VISITS
 - 9.1 Purpose
 - 9.2 Request for a Site Visit
 - 9.3 Format and Conduct at the Site Visit
10. PROCEDURE AT PLANNING COMMITTEE
11. DECISIONS CONTRARY TO OFFICER RECOMMENDATION
12. APPEALS AGAINST COUNCIL DECISIONS

13. PLANNING OBLIGATIONS
14. REGULAR REVIEW OF DECISIONS
15. COMPLAINTS

1. **INTRODUCTION**

- 1.1 The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, national Planning Guidance and other material considerations. Planning can be contentious because its decisions affect the daily lives of individuals, landowners and developers.
- 1.2 It is important therefore that the process is open and transparent. In other words the system should not only be fair but it should be seen to be fair. The Nolan Committee's report on Standards in Public Life gave close consideration to these issues and its recommendations feature significantly in the Local Government Association's revised 2002 guidance for Members and Officers in dealing with planning matters. Members are advised to read the LGA guidance as it provides useful background to the Code of Practice.
- 1.3 This Code of Practice provides guidance to elected Members, officers and developers on the planning process. It is supplementary to the Flintshire Member and Officer Codes of Conduct and the Protocol on Member/officer relations all of which are contained in the Council Constitution.
- 1.4 Whilst the principles set out in this document apply primarily to the manner in which individual planning applications should be dealt with, they also apply to the decision-making process relating to any aspect of the planning function.

2. **ROLE OF MEMBERS AND OFFICERS**

2.1 **General**

- 2.1.1 Members and officers have different but complementary roles. Both serve the public but Members are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not individual Members, and Members instructions may only be given to officers through a decision of the Council, its Cabinet or a Committee.
- 2.1.2 It is important that a good relationship exists between Members and officers and that this is based on mutual trust and understanding of each other's positions. This relationship and trust must never be abused or compromised.

2.2 **Role of Officers**

- 2.2.1 The officer's function is to advise and assist Members in the formulation of planning policies, in the determination of planning applications and, deciding whether or not to take enforcement action for breaches of planning control. Officers should:-

- Provide impartial and professional advice.
- Make sure that all accurate information necessary for the decision to be made is given.
- Provide a clear and accurate analysis of the issues.
- Set applications and enforcement issues against the broader Development Plan policies and all other material considerations.
- Give a clear recommendation based on the above requirements.
- Carry out the decisions made by Members in committee or through the delegated authority of the Chief Officer, Planning Environment and Economy Update Members on new legislation and guidance.
- Provide appropriate training and briefings for Members.

2.3 **Role of Members**

2.3.1 The full Council is responsible for setting the Council's formal planning policy framework through the Development Plan(s). As a general principle there is an expectation that Members will uphold the Council's planning policies.

2.3.2 When Members come to make a decision they must:-

- Be clear as to whether or not they have an interest which needs to be declared if not already done so or seek advice from the legal officer if unsure.
- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid giving the impression that the Member has made her / his mind up prior to the application being determined.
- Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

2.3.3 Where a planning application relates to a Member's ward the views of the local Member are important to the Chief Officer, Planning, Environment and Economy, and to the Chair and Members of the Planning Committee. Ward Members should not become too closely identified with special interest groups if they wish to vote in the Planning Committee. Whilst Members have a responsibility to their constituents their overriding duty is to the whole County and therefore need to consider proposed developments in the interests of the wider community.

2.3.4 Members should not decide how to vote on any application at any formal political group meeting. Political group meetings should never dictate how Members should vote on a planning issue.

2.4 **Member / Officer Contact**

- 2.4.1 The officer / Member relationship is extremely important for good decision making and an effective planning service. The mutual understanding of their respective roles and respect for each other's position is vital for good relations.
- 2.4.2 In making enquiries regarding individual applications Members should make contact with the Case Officer or Line Manager and make an appointment if necessary. Whilst Members may wish to seek advice or information from the Chief Officer, Planning, Environment and Economy or the Development Manager, Members should in the first instance seek information from the Case Officer. Information can be sought and provided by e-mail.
- 2.4.3 Officers will provide every reasonable help to Members in the carrying out of their duties. Meetings between officers and Members may sometimes be helpful, but are only likely to be of value if prior arrangements have been made. This allows the officer to have all relevant documents available at the meeting. Prior arrangements may be made by telephoning the relevant Officer or the Planning Services Reception staff or by email. Members rooms can be utilised and suitable rooms can be made available by mutual agreement if privacy is required or a virtual meeting may be arranged where all parties agree.
- 2.4.4 It is acknowledged that Members and officers may well have differing views on a proposal but Members should on no account interfere with or put pressure on officers to make a particular recommendation.

3. **TRAINING**

- 3.1 All members of the Council are required to have received core planning training covering planning policies, procedures, law and this Code.
- 3.2 Other training will be arranged by officers in consultation with members in the form of additional sessions, seminars and workshops on topical issues and to keep members up to date on new procedures, advice and guidance.
- 3.3 Members of the Planning Committee are required at all times between ordinary County Council elections to attend at least 75% of the planning training topics covered during their membership of the Committee.
- 3.4 Attendance at planning training will be monitored and reported to the Planning Strategy Group who may grant an exception to the requirements of paragraph 3.3 where there is good reason for a member temporarily failing to meet this requirement.

4. **REGISTRATION AND DECLARATION OF INTERESTS**

4.1 **Code of Conduct**

- 4.1.1 Members should follow scrupulously the County Council's **Members' Code of Conduct** in relation to registration and declaration of interests and, if an interest

is declared, in deciding whether the Member should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. If a Member considers he/she may have a personal interest they should consult the Monitoring Officer, Deputy Monitoring Officer or a Senior Officer of Legal & Democratic Services for advice on their position ideally in advance of the meeting.

4.2 **Personal Interests**

4.2.1 The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Member's dealings with Council officers, or with other Members. Where a Member has a personal interest, as defined by the Code, it must always be declared. It does not necessarily follow that the Member is debarred from participation in the discussion. The responsibility for declaring an interest lies with the Member, but the Monitoring Officer is there to advise. If there is any doubt in a Member's mind, he / she should seek early advice from the Monitoring Officer, Deputy Monitoring Officer or other Senior Officer of Legal & Democratic Services on their position. Members should err on the side of declaring an interest when they are not sure.

4.2.2 Members who have substantial property, professional or other interests relating to the planning function which would prevent them from voting on a regular basis, should avoid serving on the Planning Committee.

4.2.3 Where a Local Member has decided he / she has a personal interest making it inappropriate for that Member to be involved in the processing and determination of a planning application in his / her ward such a Member may arrange for another Member to act as local Member instead to represent constituents' views. In such a situation the local Member should inform the Monitoring Officer and the Chief Officer, Planning, Environment and Economy of the arrangement made and take no further part in the processing and determination of the planning application other than referring any representations or communications received to the Member who is acting as local Member.

4.3 **Declaration**

4.3.1 When declaring an interest at committee, this should be done at the beginning of the meeting. Members should be clear and specific in identifying the item on the agenda in which they have an interest, and the nature of that interest.

4.4 **Predetermination**

4.4.1 A Member has predetermined a planning application where the Member shows (e.g. in local press) he/she has made their mind up on the merits of the application prior to it being considered at committee. A predisposition is where a Member has an inclination or preliminary view on the merits of the application.

4.4.2. A Member who has predetermined the merits of a planning application in advance of it being considered at committee should not be a Member of the committee that considers that application. A Member of the committee may have a predisposition or a preliminary view. If in doubt a Committee Member should seek advice prior to the Committee meeting from either the Monitoring Officer or the Solicitor who attends committee meetings.

4.4.3 Those Members who do not sit on the Planning Committee may predetermine their stance on an application but should respect the fact that Planning Committee Members cannot do the same.

4.5 **Register**

4.5.1 A register of Members' interests is maintained by the Council's Monitoring Officer. It is available for public inspection. Each Member has a responsibility to provide the Monitoring Officer with up to date written details of relevant interests.

4.6 **Dual Community / Town and County Council Membership**

4.6.1 Membership of a Town / Community Council which has expressed a view on a planning matter does not in itself mean that the Member cannot take part in the determination of the matter when it comes before the Planning Committee provided that the Member has kept an open mind and not committed himself / herself to a final view on the matter until all the arguments for and against have been aired at committee. The Member can enter into discussion and ask questions, but should make clear that a view in favour or against the proposal is on the basis of knowledge and information known at that time.

4.6.2 Where an application submitted by a Community or Town Council is being considered then a Member of that Council may not vote on the proposal to determine the application unless the Member has obtained dispensation from the Standards Committee.

4.7 **Cabinet Members who also sit as members of the Planning Committee**

Where a Member of the Planning Committee is also a Cabinet Member, there are likely to be occasions where an application for planning permission is being considered by the Planning Committee that also relates to a Cabinet Members' Portfolio. For example, there may be a planning application for a new school and the Cabinet Member responsible for Education may also sit as a Member of the Planning Committee. This does not give rise to a personal and prejudicial interest, as the Councillor is acting as a County Councillor both as a Cabinet Member and as a Planning Committee Member. However, it may be the case that if the planning application is very closely related to a specific decision made by a Cabinet Member they may be perceived to have predetermined their stance. If a Member is unsure of their position in this regard they should contact

the Monitoring Officer, Deputy Monitoring Officer or a Senior Officer of Legal Services for advice on their position, ideally in advance of the meeting.

5. **LOBBYING**

- 5.1 Lobbying is a part of the political process and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Members before a planning application is determined. Welsh Government guidance on pre-application planning consultations encourages developers to speak to local councillors in order to understand the local context and their concerns as well as to explain any proposed development. This can help Members' understanding of the issues and concerns associated with an application. Officers should be made aware of any lobbying correspondence Members receive.
- 5.2 However, Members of the Planning Committee are under an obligation to determine matters on their merits and in a manner that is seen to be impartial. That means that they should not take a firm view on a planning matter before receiving and reading the officer's report or receiving any new information reported to the committee nor create the impression that they favour one outcome or another. Whilst Members of the committee may form an initial view or opinion, and indicate their view that an application is contrary to policy, they should not openly declare which way they intend to vote in advance of the Planning Committee meeting nor suggest that they support either the applicant or any objector(s). To avoid compromising their position before they have received all the relevant information, committee Members are advised that they should:-
- > **Refer** applicants / developers who approach them for planning or procedural advice to the appropriate Planning Officer.
 - > **Avoid** making it known in advance whether they support or oppose the proposal.
 - > **Avoid** campaigning actively in support of a particular outcome.
 - > **Direct** lobbyists or objectors to the appropriate Planning Officer, who will include reference to their opinions where relevant in their report.
- 5.3 Prior to the committee meeting any member who has significant contact with applicants and objectors must without delay seek advice from the Monitoring Officer or Deputy Monitoring Officer on whether there is a risk that the member's impartiality might be seen as compromised. Significant contact is where a Member has been contacted on four or more occasions by the applicant or the same objector (either orally or in writing). Officers might advise a member that they should only speak but not vote on an application in order to protect the impartiality of the decision making process.
- 5.4 Members must advise the Ward Member and adjoining ward members as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that

where a planning application has a significant effect on another ward the Member(s) for that ward is entitled to become involved in the development proposal.

- 5.5 Members of the Planning Committee must avoid organising support for or against a planning application. Where such a Member does organise support for or against a planning application then that Member must not participate in the decision-making on that application when it is considered by the Planning Committee. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer, Deputy Monitoring Officer or other Senior Officer in Legal & Democratic Services ideally in advance of the meeting.
- 5.6 If a Planning Committee Member expresses support for, or opposition to a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he / she could have some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. If such a Member does express an opinion, then it should make it clear that it is a preliminary opinion and that he / she will only be in a position to take a final decision when all the evidence and arguments have been considered.
- 5.7 Where a member of the committee has not complied with 5.2, 5.5 or 5.6 above and has predetermined the merits of the application, they must not participate in the decision-making on that application.
- 5.8 If a Member becomes a new member of the Planning Committee it is possible that they may have made clear their position on a particular application prior to becoming a member of the Planning Committee. If that application is subsequently before the Planning Committee for determination they must not participate in the decision-making on that application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer, Deputy Monitoring Officer or other Senior Officer in Legal & Democratic Services ideally in advance of the meeting.

6. **APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS**

- 6.1 Planning applications submitted by or on behalf of Members, or officers involved in the planning application process, or the close relatives* of Members or such officers and where the officer or Member knows of the application shall be decided by the Planning Committee and not by the Chief Officer, Planning Environment and Economy under delegated powers.

[* Close relative is defined as spouse, partner, parent, child or sibling].

- 6.2 A Member affected by clause 6.1 shall declare the personal and prejudicial interest at any meeting of the Planning Committee to determine the application,

take no part in the decision and leave the meeting place unless granted a dispensation by the Standards Committee.

- 6.3 The affected officer shall take no part in the processing of the application and its determination.

7. **APPLICATIONS SUBMITTED BY THE COUNCIL**

- 7.1 It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

- 7.2 Subject to any legislative restrictions all such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning considerations and in accordance with the Council's scheme of delegation for all planning applications as set out in the Council's constitution.

8. **PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS AND PRE-APPLICATION CONSULTATIONS**

- 8.1 Pre-application meetings between officers and potential applicants and negotiations regarding breaches of planning control are encouraged. The aim of such meetings is to ensure beneficial development and to resolve matters that might otherwise lead to the refusal of planning permission. Such discussions will normally take place at officer level and Members should refer requests for such advice to the officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional. To avoid such meetings being misunderstood:-

- > **It will be made clear** prior to and at such meetings that only personal and provisional views based upon the Development Plan and other material considerations can be given and no commitments can be made which would bind or otherwise compromise the Planning Committee or any member of this committee.
- > **A note** of the discussion will be taken and placed on file and made available for public inspection once an application has been made.
- > **Where** exceptionally meetings are to involve Members the meetings will be arranged by and attended by officers and the adjoining ward member will be invited to attend.

- 8.2 Pre-application Consultation (PACs) requirements are different from the meetings referred to at paragraph 8.1 above. They are statutory requirements that have been introduced to require developers to consult on certain development proposals, prior to submitting a planning application. Members are usually consulted directly by the developers as part of these requirements. Planning officers are not required to be consulted as there is no requirement as

part of the PAC process to consult the local planning authority. However, depending on the size of the proposal other officers within the Council may be consulted, such as the Council's Highway Engineers. If Members are requested to attend any meetings as part of this process it is still recommended that they contact a planning officer and that the advice at paragraph 8.1 above is followed. The advice at paragraph 5 above equally applies where developers contact Members as part of the PAC process and Officers should be made aware of any correspondence Members receive. Further advice about the PAC process can be found on the gov.wales website.

9. **PLANNING COMMITTEE SITE VISITS**

9.1 **Purpose**

9.1.1 Planning Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises held for the benefit of Members where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general character of the area due to the scale or design of the development.

9.2 **Request for a Site Visit**

9.2.1 A request for a site visit is normally made by the local Ward Member in response to being consulted on the proposed development. The request must be in writing (e.g. e-mail) and should clearly indicate the planning reasons for the visit which will appear on the agenda for site visits. Site visits can be costly and cause delay so it is important that they are only held where necessary and prior to committee. Site visits are held pursuant to a decision of the Chair of the Planning Committee or pursuant to a request from a local Member including another Ward Member consulted because the application significantly affects the other ward. All local Members will be advised when a site visit has been arranged.

9.2.2 Examples where a site visit would not normally be appropriate include where;

- purely policy matters or issues of principle are at issue
- the Member wishes to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations where Members have already visited the site within the last 12 months, except in exceptional circumstances

Where no planning reason is given for the site visit or the reason for the site visit is any of the above the Chair should not convene the site visit.

9.3 Format and Conduct at the Site Visit

- 9.3.1 Members of the Planning Committee and the Local Ward Member(s) will be notified in advance of any visit. Such visits are not formal meetings of the Committee and there is no right of public attendance at the visit itself. If the public in lobbying Members on their way to or from a site visit seek to present documentation they should be advised to send it to the Planning Department instead
- 9.3.2 Advance notice of the site visit will also be sent to the applicant or agent requesting that access to the site for Members/officers be provided at the specified time/date and pointing out that the applicant/agent will not be allowed to participate in the site visit. Any Member with a personal and prejudicial interest must not take part in the site visit.
- 9.3.3 The Chair will invite the Planning Officer to briefly outline the proposal and point out the key issues raised by the application and of any vantage points from which the site should be viewed then the local ward Member (and adjoining ward Member in the exceptional circumstances that they are also present) will be invited to speak, followed by other Members of the Committee who may ask questions and seek clarification from officers who will respond. Any statement or discussion concerning the principles and policies applicable to the development should not be allowed by the Chair.
- 9.3.4 Although site visits are not part of the formal committee consideration of the application, the Code of Conduct still applies to site visits and Members should have regard to the guidance on declarations of personal interest.
- 9.3.5 A file record will be kept of those attending the site visit, together with a brief note of any points raised.
- 9.3.6 For the avoidance of doubt references in this section to Local Member(s) includes adjacent ward Members where the application significantly affects their ward.
- 9.3.7 Occasionally the applicant/agent/owner of the site to be visited may not permit Members and officers onto the site. There may be good reason for this, for example, if someone was injured they could have a claim against the landowner. Where access is refused to one or more of the elected Members, the Chair will be advised that none of the Members and officers should enter onto the land. In such circumstances the site should be viewed from the nearest public land such as the public highway.
- 9.3.8 In summary site visits are:- >
Fact finding exercise.
> **Not part** of the formal committee meeting and therefore public rights of attendance do not apply.

- > **To enable** officers to point out relevant features.
- > **To enable** questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent committee.

10. **PROCEDURE AT PLANNING COMMITTEE**

- 10.1 The majority of planning applications are determined by the Chief Officer, Planning, Environment and Economy under the Council's delegation scheme. This is necessary to ensure that most decisions are made in a timely manner. Whilst Members have a right to request that applications, affecting their ward be determined by the Planning Committee such requests should be justified by clearly identifying in writing why a committee decision is required. This is generally done on the return notification form sent out to Members.
- 10.2 Officers will produce written reports on all planning applications reported to committee. In respect of each proposal the report will include, amongst other matters;
- description of the proposal
 - description of the site
 - responses to consultations and officer observations thereon.
 - summary of objections and / or support received
 - relevant site history
 - relevant Development Plan policies
 - relevant planning guidance where appropriate
 - any other material planning consideration
 - an appraisal by the Case Officer which will include the relevant views of other consulted officers within the Planning Division
 - a clear recommendation
 - brief details of the substance of any conditions to be imposed or;
 - full details of reasons for refusal.
- 10.3 Late observations received by 5.00 p.m. the day before a committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting.
- 10.4 The Planning Officer will briefly introduce each item highlighting the key issues for Members consideration.
- 10.5 Where an application is being reported to committee, the Chair will allow oral representations to be made in accordance with the protocol on public speaking prior to the committee debating the application.
- 10.6 Where a Member seeks and obtains a majority for a deferment for a specific purpose then there will be no further debate on that matter until such time as the proposal is re-presented.

- 10.7 Members who read out at committee, or refer to, communications they have received should provide an advance copy to officers

11. **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

- 11.1 From time to time members of the Planning Committee will disagree with the professional advice given by the Chief Officer, Planning Environment and Economy. The committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. If Members propose to make a decision contrary to the officer recommendation (whether for approval or refusal), the proposer should set out clearly the reasons for doing so. The Chair will ensure that the officer is given the opportunity to explain the implications of the contrary decision, before a vote is taken.
- 11.2 In cases where the Planning Committee decides for good and valid reasons to depart from the Chief Officer, Planning Environment and Economy's recommendation, the committee must always define the reasons for rejecting the officer's recommendation and those reasons must be recorded in the minutes of the meeting.
- 11.3 In the case of conditions which the committee has resolved to add or amend the precise wording is delegated to the Chief Officer, Planning Environment and Economy and, if appropriate, in consultation with the Chair of committee.
- 11.4 In cases of refusal the reasons shall be clearly stated and agreed by Members. There may be occasions when officers need to clarify the reasons for refusal either at the meeting itself or by a report to a subsequent meeting.
- 11.5 A legal advisor present at the committee meeting may subsequently prevent a decision notice being issued until a report by the Chief Officer Governance has been considered at the subsequent committee meeting. The reason for this report may be concerns of a legal nature or that at the committee meeting the Chief Officer, Planning Environment and Economy indicated the proposed decision represents a significant departure from planning policy and the legal officer subsequently agreed.

12. **PLANNING APPEALS**

- 12.1 There are a wide variety of different factual situations relating to appeals. There can be appeals against non-determination or against a refusal made under officers' delegated powers or by the Planning Committee, either in accordance with the officer recommendation or contrary to the officer recommendation. Appeals can be heard by way of written representations, informal hearing or at an inquiry. The appeal may relate to a major or a minor planning proposal, a development that has attracted a lot of interest from Members and the public

or a proposal that is of limited interest. Because of the range of circumstances, the way the Council responds to an appeal will be individual to the circumstances of that appeal. The following principles will guide the Council's response to each specific appeal.

- 12.2 The Council recognises the importance of complying with the timescales within the appeal process as a failure to meet these timescales can lead to an award of costs against the Council.
- 12.3 The Council will adopt a team approach to appeals whereby Members and officers work together in the best interest of the Council, irrespective of how the decision appealed against was arrived at.
- 12.4 The decision whether an appeal is determined by way of written representations, informal hearing or public inquiry is a matter for the Planning Inspectorate but the Council is given the opportunity of making representations as to the appropriate format. The Chief Officer, Planning Environment and Economy will make representations on behalf of the Council as to its preferred format where possible following consultation with the local Member(s).
- 12.5 In the case of Informal Hearings and Inquiries, the Chief Officer, Planning, Environment and Economy will determine who shall present the case on behalf of the Council following consultation with the Chair and Vice Chair of the Planning Committee.
- 12.6 Where the decision appealed against was made by officers under delegated powers or was pursuant to an officer recommendation, the case will normally be presented by the Council's officers.
- 12.7 Where the decision was made by Members contrary to officer recommendation, attendance by one or more Members would assist the Council's case and relevant Members will be approached by the Chief Officer, Planning Environment and Economy to ascertain their availability. Officers will assist any such Member in preparing for the appeal.
- 12.8 External legal representation and/or consultants will be engaged where the Chief Officer, Planning, Environment and Economy following consultation with the Local Member(s) and the Chair and Vice Chair of the Planning Committee, believes this to be appropriate in all the circumstances. One relevant circumstance is the need for Planning Officers who are members of The Royal Town Planning Institute to comply with its Code of Professional Conduct and not make statements purporting to be their own which are contrary to their bona fide professional opinion.

13. **PLANNING OBLIGATIONS**

- 13.1 The Planning Committee may, when considering the merits of an individual planning application, consider any planning obligation which has been raised with the applicant or agent but should form a view solely on the basis of the contents of the application and should take into account offered planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms.
- 13.2 Members should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council, or benefits which the Council itself wishes to obtain.

14. **REGULAR REVIEW OF DECISIONS**

- 14.1 As part of the aim to continually improve the quality of planning decisions Members will have the opportunity to revisit a sample of implemented planning decisions. Such reviews will be a positive step to improve the quality and consistency of decision-making, not only strengthening public confidence in the planning system but also assist with the review of planning policy.
- 14.2 Such a review will take place annually and briefing notes will be prepared for each case. The Planning Strategy Group will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

15. **COMPLAINTS**

- 15.1 Any issues or concern arising from this Code of Practice can be raised with the Chair of the Planning Committee, the Monitoring Officer, the Chief Officer, Planning Environment and Economy or the Legal Officer present at committee. (The Council also has a formal complaints system in operation, which can be used if necessary).



CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

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| Date of Meeting | Thursday, 30 September 2021 |
| Report Subject | Member Induction for 2022: consultation on the first draft of the Member Induction Programme. |
| Report Author | Head of Democratic Services |

EXECUTIVE SUMMARY

After elections of the whole Council, which now take place on a five yearly cycle, we offer a Member Induction Programme. This is intended to involve both new and returning Members.

For our new Members, the emphasis is on providing an introduction to their new role and sharing knowledge to enable them to start their development as a councillor.

For our returning Members, some of whom may now be in different roles, we look to refresh knowledge, provide updates and additional skills where necessary.

The Committee is invited to consider, comment on and contribute to the first draft of the 2022 Member Induction Programme.

RECOMMENDATIONS

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| 1 | The Committee is invited to consider, comment on and contribute to the first draft of the 2022 Member Induction programme. |
| 2 | Should any Member have suggestions for inclusion in the programme subsequently, they are invited to contact the Head of Democratic Services. |

REPORT DETAILS

| 1.00 | EXPLAINING OUR APPROACH TO MEMBER INDUCTION |
|------|---|
| 1.01 | <p>Members will recall that after each local government elections, we hold a Member Induction Programme. The emphasis of the programme is twofold:</p> <ul style="list-style-type: none">• To provide our new Members with an introduction to their new role and sharing knowledge to enable them to start their development as a councillor. Some new Members may already have knowledge of local government, through their involvement in community or town councils. Others may already be adept at community engagement through their employment history or because of previous community roles. We need to ensure that all Members have an appropriate level of knowledge to enable them to function effectively as a local councillor. We will also need to provide insights into our corporate culture; in essence, the 'how we do things here'.• For our returning Members, some of whom may now be in different roles, we look to refresh knowledge, provide updates and additional skills where necessary. Some returning members may find themselves, for the first time, as Cabinet Members, Committee Chairs or Members of committees which require specialist training for eligibility as a member. Examples of this are the Governance & Audit Committee, or the Planning Committee. <p>It will be essential to impress upon all Members, whether new or returning, the need to follow the Members Code of Conduct and the Flintshire Standard.</p> |
| 1.02 | <p>Following on from our experience of the last three elections in 2008, 2012 and 2017, we have recognised that all our induction sessions need to be:</p> <ul style="list-style-type: none">• Offered in three 'slots', at 10am, 2pm and 6pm. This recognises that our 'offer' needs to fit in with the ongoing lives of busy people, who may already be juggling a number of roles and jobs, whether paid or unpaid.• No more than two hours long: longer sessions can mean that concentration levels, and thus knowledge retention diminish as people become tired.• Offered as both 'in person' and screen based. This also means that sessions may be recorded, to establish as a library of induction sessions which may then be used as a point of reference by Members. We would also be able to use the recorded sessions for induction of new Members following by- elections in the future. |

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| 1.04 | We have recognised the need to, and the value of having our political Group Leaders/senior councillors involved in the Member Induction Programme. They are able to provide insights into the role of a ward Members which officers cannot. |
| 1.05 | In addition, the need for new Members to be mentored by established, returning Members has been identified as a good practice. We would ensure that appropriate training and support was offered to our Member Mentors. |
| 1.06 | The first draft of the Member Induction programme for 2022 is attached. The Committee is invited to comment on. Subsequent, updated versions of the Programme will be submitted to the Committee in due course. |

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| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | Can be addressed within existing budgets. |

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| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 3.01 | Group Leaders have been consulted on the draft Induction programme at their meeting held on 15 th September. |

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| 4.00 | RISK MANAGEMENT |
| 4.01 | There is significant to reputation and standing in our not providing an appropriate Member Induction Programme. |

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| 5.00 | APPENDICES |
| 5.01 | 2022 Member Induction Programme |

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| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | None Contact Officer: Robert Robins, Head of Democratic Services Telephone: 01352 702320 E-mail: robert.robins@flintshire.gov.uk |

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| 7.00 | GLOSSARY OF TERMS |
| 7.01 | None. |

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2022 Member Induction Programme

1. Declaration of Acceptance of Office

The 2022 Induction programme will commence on Friday 6th May, at the Election Count (Coleg Cambria's Connah's Quay Sports Hall). Members must make their declaration of acceptance of office in the presence of the Chief Executive, who counter-signs each acceptance. For ease, this will probably be carried out with several members at a time. Once a Member has been signed in, and new Members have provided bank details, Payroll can be informed and their basic salary payment will commence.

2. Meeting Key People

Some meetings may occur informally at the count. It will also be useful for new members to meet the following people within days of their being elected.

- Group leaders (if known)
- Chief Executive, Chief Officer (Governance), Corporate Finance Manager, Head of Democratic Services (statutory officers)
- Chief and other senior officers
- Democratic Services team

The 'Who's who' of Chief Officers, heads of service and the democratic services team will have been updated, to assist new Members.

3. Issue of IT equipment

Each Member is to be issued with an FCC lap top, RSA token and Ipad. People from IT will need to be at the Count to set up new Members on the system, issue equipment and provide basic 'how to' instructions.

4. Introduction to Remote/hybrid Meetings

During 2020 and 2021, we carried out a considerable number of familiarization sessions with Members, so that all had been shown how to use Webex and subsequently Zoom for our formal meetings. Section 47 Of the Local Government & Elections Act 2021 comes into force on 1st May 2022. From that time, all of our meetings must be hybrid, so that attendees are able to decide whether to be physically present, or to attend remotely.

We have an interim policy on how we hold meetings, but it will be for the new 2022 Council to make an informed decision as to how this will develop. The holding of ‘physical only’ meetings will not be possible, but the new Council could decide that some meetings will always be by Remote attendance (this could be all formal meetings , apart from Council, for instance)

Therefore, we need to ensure that all of our Members, both returning and new need to be familiar with both Zoom ,the software which we use for our formal meetings.

4. New Member mentoring

Each of the Council’s political groups is to be encouraged to designate a returning Member as mentor for a new Member. Officers can only provide so much information. Experienced Members know their role and what can be required of the local ward member. We will offer training to mentors to ensure they have a consistent level of skills and confidence to undertake the role.

5. Schedule of Induction sessions

The list of topics below is illustrative at this stage, not exhaustive . Each session would be delivered three times, in a morning, afternoon and evening slot. Some elements may be physical, others by Zoom. All will need at least one Zoom session which will be recorded so that it can be forwarded to Members who have been unable to attend at the time. This will also assist us in the induction of Members elected at future by-elections.

| Topic | Indicative Presenters to include (more to be included) | Outline/Purpose | Target | Status and justification | Dates/times (all sessions must have one morning, one afternoon and one evening) |
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| <p>Introduction to the Council</p> | <p>CE, CO(G) and HofDS Group leaders(if known)</p> | <p>Setting the scene for the induction programme, explaining which sessions are mandatory and which are discretionary . History; governance structure; introduction to portfolios.</p> | <p>All Members</p> | <p>Discretionary, but highly recommended, especially for new Members</p> | <p>Dates and times to be determined</p> |
| <p>Constitution, Meeting structure and Chairing Skills</p> | <p>CO(G), HofDS, O&S facilitators.</p> | <p>The Constitution provides framework wherein Council, Cabinet, Overview & Scrutiny and the regulatory meetings all work How the five O&SCs operate and inter-relate. (There will also be committee specific training sessions at the first meeting of those committees). Effective chairing and recognition of the chair’s role by attendees is essential for the smooth running of meetings.</p> | <p>All Members</p> | <p>Discretionary, but highly recommended, especially for new Members</p> | <p>Dates and times to be determined</p> |
| <p>Chairing effective Meetings</p> | <p>External facilitator, possibly WLGA?</p> | <p>Keeping meetings focused , inclusive and purposeful</p> | <p>All Chairs and vice-chairs</p> | <p>Highly recommended for all holders</p> | <p>Dates and times to be determined</p> |

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| | | | | of civic and senior salaries | |
| Constitution, Code of Conduct, the Flintshire Standard and Group leader roles. | CO(G), HofDS, Deputy Monitoring Officer and group leaders(if known) . | Explaining ‘the rules’ so that new and returning Members are aware of them from May 2022, Group Leaders have a responsibility for the conduct of their Members, hence their involvement. | All Members | Mandatory | Dates and times to be determined |
| Council priorities and Members working together | Leader of the Council and Deputy leader(s) | Council leadership to present on the new council’s priorities and how they propose to work effectively with all Members. | All Members | | Dates and times to be determined |
| How members work | CE, CO(G) and HofDS and some senior Members (serving or recently retired). | Participating in meetings, managing ward work, maintaining a healthy work/life balance, self-care arrangements, protocol on operating outside the ward, Cabinet and committee roles, social media profile. | | | Dates and times to be determined |

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| Strategic Finance | CE and Corporate Finance Manager, deputy s151s | Size of budget, how made up , sources of income, members role in setting budget etc, WG/WLGA stance on funding formula | | | Dates and times to be determined |
| How we work | All COs and statutory officers | Chief and statutory officers to give details of their portfolios, who their key officers are, their roles in delivering on council plan themes | | | Dates and times to be determined |
| Planning for non-committee members | CO(P,E&E) Planning officers | Intended to explain the Planning system for non-committee members; their role in consultation and representation | Members who are not going to serve on the Planning Committee | | Dates and times to be determined |
| Planning Committee Members' training | CO(P,E&E) Planning officers | Role of the Members of the Planning Committee in determining planning applications | | Only those who have been trained are eligible to | Dates and times to be determined |

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| | Planning committee solicitor | | | be members of this committee | |
| Governance & Audit Committee | CO (G) Internal Audit manager | Role of the Committee: to support and promote efficient and economic use of resources; effective control of expenditure and review audit performance. Signing off Annual Accounts | Mandatory training for all G&A committee members, whether councillors or lay Members | Only those who have been trained are eligible to be members of this committee | Dates and times to be determined |
| Licensing Committee | | mandatory training for Members of the Licensing committee and how the sub-committees work to deal with individual applications | | Only those who have been trained are eligible to be members of this committee | Dates and times to be determined |
| Information management & Data protection | | importance of data security, role of Members as data controllers, dangers of re-using previous emails and their trails | | | Dates and times to be determined |

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| Equalities, to include Welsh language policy | | how we fulfil requirements within Flintshire | | | Dates and times to be determined |
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We will have a session with COT and Cabinet/Group Leaders around roles and expectations of each other based on the Member/Officer Protocol

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CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

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| Date of Meeting | Thursday 30 September 2021 |
| Report Subject | Member Workshops, Briefings and Seminars Update |
| Report Author | Head of Democratic Services |

EXECUTIVE SUMMARY

It is the practice for this committee to receive a progress report on the Member Development and Engagement events which had been organised. This report provides details of events which have been held since the last meeting in March and also those which are forthcoming.

RECOMMENDATIONS

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| 1 | That the Committee notes the progress with Member Workshops, Briefings and Seminars since the last report. |
| 2 | That if Members have any suggestions for future Member Development they are invited to contact the Head of Democratic Services to discuss them. |

REPORT DETAILS

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| 1.00 | MEMBER WORKSHOPS, BRIEFINGS AND SEMINARS |
| 1.01 | During the last year, all of our Member engagement, whether that be formal meetings, workshops, seminars or briefings has been provided using remote attendance video technology. This has provide greater flexibility and not having to travel may have contributed to an increased attendance rate at some events. |
| 1.04 | Where possible, workshops, seminars and briefings have been offered on more than one occasion, with several being held during the evening. This is in recognition of feedback which we have received from Members following previous events. Those Members who are in employment or who have other day time commitments have been appreciative of the evening event offer. |
| 1.05 | The following are the engagement events held since the last update, which was to the 30 th June meeting of the committee. Two events which have not yet been held are also included. |

| Date | When held | Event | Number attending |
|------------------|------------------|---|------------------|
| 30.06.21 | 11.00 am | All Member Briefing Session on the MTFS / 2022 Budget Estimates | 34 |
| 30.06.21 | 6.00 pm | Third Session of Dementia Friends Session | 9 |
| 06.07.21 | 2.00 pm | All Member Briefing Session on Recycling | 32 |
| 08.07.21 | 4.30 pm | Consultation Workshop for SACRE Committee Members | 4 |
| 20.07.21 | 6.00pm | All Member Briefing Session on Recycling | 14 |
| 12.10.21 | 2.00pm 6.00pm | Supporting Flintshire Families: an evidence based relationship focused approach | |
| To be determined | | On-line harassment | |

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| 2.00 | RESOURCE IMPLICATIONS |
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| 2.01 | None. |
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| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
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| 3.01 | None |
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| 4.00 | RISK MANAGEMENT |
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| 4.01 | The provision of information through workshops and briefings contributes to effective risk management. |
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| 5.00 | APPENDICES |
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| 5.01 | None. |
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| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | Contact Officer: Robert Robins, Head of Democratic Services Telephone: 01352 702320 E-mail: robert.robins@flintshire.gov . |

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|-------------|--------------------------|
| 7.00 | GLOSSARY OF TERMS |
| 7.01 | None |

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