

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **CONSTITUTION COMMITTEE**

**DATE:**                 **WEDNESDAY, 15 OCTOBER 2014**

**REPORT BY:**         **CHIEF OFFICER, GOVERNANCE**

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

1.00   **PURPOSE OF REPORT**

1.01   To review the Flintshire Planning Code of Practice.

2.00   **BACKGROUND**

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

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

2.03   The Constitution Committee is currently in the third year of a 3 year programme of reviewing all parts of the Council's Constitution and this year's programme includes the Flintshire planning code. The guiding principles of this review are to ensure the various parts of the Constitution are up-to-date, unambiguous and easy to understand.

2.04   The review of the Flintshire planning code has been led by the Democracy & Governance Manager who has consulted with the Monitoring Officer and the Chief Officer, Planning & Environment prior to consideration by Members.

2.05   The review of the planning code was considered by the Standards Committee at its meeting on the 1<sup>st</sup> of September and then by the Planning Strategy Group at its meeting on the 4<sup>th</sup> of September. The views of the Standards Committee were reported to and considered by the Planning Strategy Group at its meeting. Attached as Appendix 1 is the Flintshire Planning Code with the proposed alterations shown as tracked changes together with comments showing the reason for those changes.

### 3.00 **CONSIDERATIONS**

3.01 The main proposed changes to the planning code concern:-

- Member training
- Predetermination
- Lobbying
- Site visits
- Decisions contrary to officer recommendation

3.02 Section 3 of the planning code relates to Member training on planning. Paragraph 3.1 is proposing to widen the requirement for core planning training beyond members of the Planning and Development Control Committee to all members of the Council as all members of the Council are consulted on planning applications affecting their ward. For members of the committee and named substitutes it is being suggested that the 75% minimum attendance at planning training topics should be an ongoing requirement during the life of the current County Council rather than being over a period of 2 years. It is also proposed that there should be a mechanism whereby members can be granted an exception to this requirement where there is good reason for temporarily failing to meet it. The Standards Committee believes that it should grant such exceptions as the majority of its members are not Councillors which it saw as an advantage in terms of public perception. The Planning Strategy Group decided that it should be that Group as it has responsibility for determining what planning training is provided.

3.03 The second significant change to the Planning Code relates to the issue of predetermination. This is now being given its own section (see 4.4) rather than being part of the paragraphs concerning personal interest. This is because predetermination is a separate issue to personal interest and also to give more prominence to predetermination within the code.

3.04 There have been several changes within section 5 relating to lobbying. In 5.1 a sentence has been added so that Members should make officers aware of any lobbying correspondence they receive. Where such documents contain new information it is important the officers are aware of it. Also where such documents contain inaccurate information officers can then prevent Members being misled. In 5.3 where the same individual has lobbied a Member on four or more occasions that should be declared at the appropriate part of the Committee meeting. It is custom and practice to do this under the item dealing with Declarations of Interest and for Planning Committee it is intended to broaden this heading to include Declarations of lobbying.

3.05 Paragraph 9.3.1 concerning site visits has been expanded to make clear that the public have no right to attend the site visit itself. If the

public lobby Members on their way to or way from a site visit any documentation they wish to submit should be done formally to the Planning Department and the paragraph has been expanded to include this.

3.06 Section 11 of the Code deals with where as part of the democratic process Members reach a decision contrary to the Officer recommendation. It is important that in such situations the reasons are clearly stated and recorded in the minutes of the meeting. Paragraphs 11.4 and 11.5 have been amended to reflect current practice in relation to this.

4.00 **RECOMMENDATIONS**

4.01 For the Constitution Committee to review the Flintshire Planning Code and agree or amend Appendix 1 as appropriate

5.00 **FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

6.00 **ANTI POVERTY IMPACT**

6.01 None as a result of this report.

7.00 **ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

8.00 **EQUALITIES IMPACT**

8.01 None as a result of this report.

9.00 **PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

10.00 **CONSULTATION REQUIRED**

10.01 The Chief Officer Planning and Environment, Standards Committee and Planning Strategy Group,

11.00 **CONSULTATION UNDERTAKEN**

11.01 The Chief Officer Planning and Environment, Standards Committee and Planning Strategy Group,

12.00 **APPENDICES**

12.01 Appendix 1 – Planning Code of Practice

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

Report to Standards Committee meeting 1<sup>st</sup> September 2014  
Report to Planning Strategy Group 4<sup>th</sup> September 2014

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