

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

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.

2.00	RESOURCE IMPLICATIONS
2.01	None associated with this report.

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.

4.00	RISK MANAGEMENT
4.01	Not applicable.

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.

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

7.00	GLOSSARY OF TERMS
7.01	None.