



AGENDA ITEM: 5

**PLANNING COMMITTEE:
17 APRIL 2008**

**STANDARDS COMMITTEE:
22 APRIL 2008**

Report of: Council Secretary and Solicitor

Contact for further information: Mrs G L Rowe (Ext 5004) or Mr M Jones (Extn. 5025)

SUBJECT: PLANNING CODE OF GOOD PRACTICE

The following wards are affected:- District Wide

1.0 PURPOSE OF THE REPORT

1.1 To amend the Council's Planning Code of Good Practice to make it consistent with the revised Members' Code of Conduct.

2.0 RECOMMENDATIONS TO THE PLANNING COMMITTEE

2.1 That the amended Planning Code of Good Practice be adopted with effect from 23rd April 2008 subject to any comments from the Standards Committee.

3.0 RECOMMENDATIONS TO THE STANDARDS COMMITTEE

3.1 That the Planning Code of Good Practice attached as **Appendix 2** be adopted with effect from 23rd April 2008.

4.0 BACKGROUND

4.1 Members of Planning Committee will recall that on the 24th May 2007 they considered a report of the Executive Manager Planning and Development Services in relation to the need to update the Planning Code of Good Practice in light of the revised Members' Code of Conduct. Planning Committee resolved that an amended Planning Code of Good Practice be brought back to Committee for its consideration.

- 4.2 The Planning Code of Good Practice forms part of the Council's Constitution and was issued as an insert to that document in 2003. The Code adopted by West Lancashire is derived from a model code drafted by the Association of Council Secretaries and Solicitors and launched on 14th February 2003, following consultation with local authorities, the Standards Board for England, the Local Government Ombudsman and the Audit Commission.
- 4.3 The Planning Code of Good Practice is a supplementary code to the Members' Code of Conduct and provides guidance on the special role played by Members who are involved in the quasi-judicial process of making decisions on planning applications at Planning Committee. The Code of Good Practice applies equally to those who are standing members of the Planning Committee and to those who only occasionally attend as substitutes on the Committee. The Code is also relevant to those Members who get involved in planning matters in their ward in a representative role, whether they are Members of Planning Committee or not.

The Code provides a series of helpful advice on things to do and the things to avoid doing in relation to the issues of :

- Development Proposals and Members' interests under the Members' Code of Conduct
- Pre-determination and bias
- Contact with Applicants, Developers and Objectors
- Lobbying of Members
- Committee site visits
- The role of officers

The key aim of the Code is to ensure through the planning process that there are no grounds for suggesting that a decision has been biased, partial or not well-founded in any way and that decisions are made having taken into account all relevant and material planning considerations.

5.0 EXPLANATION OF THE PROPOSED AMENDMENTS TO THE PLANNING CODE OF GOOD PRACTICE

- 5.1 For ease of reference attached at **Appendix 1** is the current adopted version of the Planning Code of Good Practice with the proposed amendments shown using "tracked changes".
- 5.2 Attached at **Appendix 2** is the revised version of the Planning Code of Good Practice recommended for adoption.
- 5.3 One of the main changes brought about by the Revised Members' Code of Conduct is that members with a personal and prejudicial interest in a matter being discussed at a Council meeting may, before withdrawing from that meeting, make representations, answer questions or give evidence provided that the public are also allowed to attend the meeting for the same purpose.
- 5.4 In relation to Planning Committee, members will be aware that Committee have adopted a procedure for members of the public who wish to speak to Committee.

Members are aware that there is no general right for members of the public to address Committee. However, certain categories of persons may speak to Committee, upon giving the required notice, in relation to planning applications that affect them. Paragraph 3 of the public speaking provisions provides:

“The people who can speak at meetings are (in this order):

- *Anyone who has written objecting to the planning application and who has been consulted under the neighbour notification process by the Council, or his/her representative;*

Note: *Organisations that have been formally consulted on the application will not be invited to speak, as their views will be set out clearly in the Committee reports).*

- *The Clerk to a Parish Council, or his/her representative where the Clerk is unavailable, to express the view of the Parish Council;*
- *The applicant or his/her representative but only where it has been agreed that a third party objecting to the proposal may speak.....”*

5.5 Members will note therefore that the amended version of the Planning Code of Good Practice advises those members who have a personal and prejudicial interest in a planning application that they may, before leaving the Council Chamber, make representations, answer questions or give evidence if they fall within one of the categories of persons entitled to speak to Committee under the Committee’s public speaking provisions and have given the required notice.

5.6 Other changes have been made to make the Code clearer (for example in relation to the advice given with regard to the declaration of gifts and hospitality), to update it in line with organisational changes (for example references to the “Development Control Manager” have been changed to “Planning Control Manager”) to reflect the latest guidance from the Standards Board in relation to Predetermination and Bias and to note a legislative change.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 Applying the amended Planning Code of Good Practice will help to continue to ensure that the wider public interest is served and the social/economic/environmental objectives of the Council’s planning policies are delivered.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no direct resource implications arising from this report. Any requirements for external training will require some revenue funding which may be possible from existing resources, subject to the scale of training envisaged.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

Compliance with the Planning Code of Good Practice helps to ensure that planning decisions are made without bias or favour and hence without any adverse impact on equality in relation to the Equality Target Groups.

Appendices

1. Planning Code of Good Practice (showing proposed amendments using “tracked changes”)
2. Revised Planning Code of Good Practice (recommended for adoption by members)