

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**31ST MARCH 2009**

**PLANNING SERVICES CODE OF PRACTICE**

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

**1. SUMMARY**

1.1 The Standards Committee is responsible for monitoring and reviewing the Council's Planning Services Code of Practice on an ongoing basis. Officers recommend that the Code of Practice is reviewed and Members are requested to suggest areas for consideration for inclusion in the review.

**2. RECOMMENDATION**

2.1 That Members recommend to the Full Council that a review of the Planning Services Code of Practice is undertaken and that Members suggest areas for consideration for inclusion in the review.

**3. BACKGROUND**

3.1 The Code of Practice – Planning Services has formed part of the Council's Constitution for some years and has not been substantially reviewed since its introduction.

3.2 The Code of Practice covers the following areas:

- The role of members on the Planning Committee;
- The role of ward members in the planning process;
- Membership of Parish Councils;
- Site visits procedure;
- The role of officers;
- Committee reports;
- Pre-application discussions;
- Decisions contrary to policy;
- Decisions contrary to officer recommendation; and
- Members', officers' and the Council's own applications for planning permission.

3.3 Some of the content of the Code of Practice is allied to principles contained in the Members' Code of Conduct, and the Code of Practice needs to be reviewed to ensure that recent changes to the Code are reflected.

- 3.4 Much of the Code of Practice is designed to minimise the risk of challenge to Planning Committee decisions on the basis of bias and/or predetermination. Consideration should be given to highlighting these issues within the Code of Practice and giving clear guidance to members so as to avoid challenge and to protect Members' interests.
- 3.5 Revision of this Code of Practice should include a wide scale consultation with all Elected Members for two reasons; firstly, all members who have been trained in accordance with the requirements of the Council's Constitution are entitled to sit or substitute on the Planning Committee, and secondly as the Code of Practice covers the responsibilities of Ward Members in the planning process.
- 3.6 It is therefore proposed that members recommend that the Full Council undertake a review of the Planning Committee Code of Practise through a consultation exercise that will be carried out by the Monitoring Officer who will seek the views of Group Leaders, the Planning Committee and individual members as well as the Standards Committee.

#### **4. FINANCIAL IMPLICATIONS**

None

#### **5. LEGAL IMPLICATIONS**

There are no statutory requirements to have a Code of Practice for Planning Services.

#### **6. COUNCIL OBJECTIVES**

N/a

#### **7. RISK MANAGEMENT**

7.1 The main risk associated with the details included in this report are:

- Failure by the Planning Committee to take decisions in accordance with good practice may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation

7.2 This risk is being managed as follows:

- Risk Register: Legal, Equalities and Democratic Services
- Key Objective Ref No: 3
- Key Objective: Effective ethical governance

8. **CUSTOMER IMPLICATIONS**

None

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

None

10. **VALUE FOR MONEY IMPLICATIONS**

10.1 N/a

11. **OTHER IMPLICATIONS**

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	<b>Yes</b>
Chief Executive	<b>Yes</b>
Executive Director - Partnerships and Projects	<b><u>No</u></b>
Executive Director - Services	<b><u>Yes</u></b>
Assistant Chief Executive	<b><u>No</u></b>
Head of Service	<b><u>Yes</u></b>
Head of Financial Services	<b><u>No</u></b>
Head of Legal, Equalities & Democratic Services	<b><u>Yes</u></b>

Head of Organisational Development & HR	<b><u>No</u></b>
Corporate Procurement Team	<b><u>No</u></b>

**13. WARDS AFFECTED**

All wards

**14. APPENDICES**

Appendix 1 Code of Practice – Planning Services

**15. BACKGROUND PAPERS**

None

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