

**SUBJECT: PLANNING CODE OF PRACTICE (REVISED)**

**MEETING: PLANNING COMMITTEE**

**DATE TO BE CONSIDERED: FEBRUARY 2024.**

**WARDS AFFECTED: AII.**

## **1. PURPOSE**

- 1.1 The purpose of this report is to consider a revised Planning Code of Practice.

## **2. RECOMMENDATIONS**

- 2.1 That Committee agree the revisions without modification.

## **3. KEY ISSUES**

- 3.1 This Code of Practice is intended to guide the procedures by which Councillors ('Members') and Officers of the Council deal with planning matters and to set standards of probity and conduct expected of them. Monmouthshire County Council will seek to adopt best practice in its administration of the planning process. It recognises that the public expects the Council to subscribe to the principles of fairness, consistency and objectivity. Members of the Planning Committee have a key role in ensuring that these principles are followed and the Council has stated that the Planning system must be fair and open. Elected Members are critically important in arbitrating between competing arguments.
- 3.2 The Town and Country Planning system involves the Council taking decisions about private proposals for the development and use of land, but in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted development plan unless material planning considerations indicate otherwise. The Council must also take account of representations made by members of the public, in as far as they relate to material planning considerations.
- 3.3 As the planning system affects people's lives and private interests it can be very contentious. It is therefore important that members of the public understand the system and has confidence in its integrity and transparency, and that Members and Officers avoid impropriety or even the suspicion of impropriety.
- 3.4 Members and Officers must not only ensure that their conduct accords with the Code of Conduct for Members and professional standards for officers (which cover such matters as declarations of interests, gifts and hospitality), but, when dealing with planning matters, also act in accordance with this Planning Code of Practice.

- 3.5 The changes to the Code of Practice reflect current working practices of both Committee and the Delegation Panel, where such modifications have resulted largely from the move from in-person to virtual or 'hybrid' meetings. Changes to officer job titles have also been included.
- 3.6 If agreed, the item would then be reported to Council's Standards Committee. The Chair of Standards Committee is keen for this to form part of the Council's constitution. At the moment it is unclear what status the Code of Practice has and who is responsible for updating it.
- 3.7 As this documents seeks to prescribe procedure rules to Planning Committee as well as levels of standards to its Members, it should form part of the Council's standing orders at Part 4 of the constitution. The Head of Legal Services is planning on reporting back to Standards Committee on 26<sup>th</sup> February with the recommendation that the Code of Practice should be included in the constitution. It will then form part of the other amendments to the constitution that would be considered by the Democratic Services Committee and then full Council in due course.

#### 4.0 OPTIONS APPRAISAL

Option	Benefit	Risks
1. Agree the changes without modification	<ul style="list-style-type: none"> <li>• Certainty of legal status; the matter can then be considered by Standards Committee on 26<sup>th</sup> February</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
2. Agree changes with modification.	<ul style="list-style-type: none"> <li>• If the modifications proposed are minor may still be able to be presented to Standards Committee in February</li> </ul>	<ul style="list-style-type: none"> <li>• Potential delay to Standards Committee and subsequent reporting if proposed modifications are more substantial.</li> </ul>
3. Do not agree changes	<ul style="list-style-type: none"> <li>• Depends on reason for changes to be rejected.</li> </ul>	<ul style="list-style-type: none"> <li>• Delay and uncertainty over status of document.</li> </ul>

**5. REASONS**

- 5.1 The Code needs to be updated to reflect current working arrangements and to provide the opportunity for the document to be given legal status via political reporting procedures.

**6. RESOURCE IMPLICATIONS**

None.

**7. WELL BEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING & CORPORATE PARENTING)**

See attached in Appendix B.

**8. CONSULTEES**

Legal Services.

**9. BACKGROUND PAPERS**

Appendix A – Revised Code of Practice.

**10. AUTHOR**

**Craig O'Connor – Head of Planning; Philip Thomas – Development Services Manager**

Email: [craigoconnor@monmouthshire.gov.uk](mailto:craigoconnor@monmouthshire.gov.uk)

[philipthomas@monmouthhsire.gov.uk](mailto:philipthomas@monmouthhsire.gov.uk)