

Report

Planning Committee

Part 1

Date: 1 February 2023

Subject Planning Committee Code of Practice

Purpose Bringing updated Code of Practice to be ratified and adopted by Committee

Author Senior Solicitor

Ward All

Summary The Code of Practice for Planning Committee has been updated in accordance with current legal requirements and virtual meeting practices.

Proposal It is recommended that the updated Code be ratified by Planning Committee and adopted as part of the Council's Constitution

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Head of Law and Standards, Monitoring Officer
- Chief Financial Officer
- Head of People, Policy and Transformation
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Signed

Background

The Planning Committee Code of Practice was last updated in 2016. Since then, matters have arisen which require changes to the Code. Significant changes are needed in relation to the following matters.

Firstly, the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 changed the law to require the quorum at any committee meeting to consist of at least half of the members of that Committee. This meant that the quorum at Planning Committee changed from 3 members to 6 members. It also meant that a site sub-committee was no longer viable. Decisions must now be made by the whole Committee after a site visit and full procedure followed. Public speaking is allowed at those meetings and the meetings will be filmed.

In addition, the pandemic changed the way meetings are conducted at the Council, introducing the use of virtual meetings. The Code of Practice has been updated in accordance with the Council's "Arrangements for Multi-location meetings" policy.

The amendments to the Code will not have any impact on current practices as the changes are already in place. The Code will now be an accurate document which members can rely on for guidance and this can only be a benefit.

There will be no legal implications apart from those changes to the law that are already in place.

The Code should be adopted as soon as possible for the purposes of clarity of Committee procedure.

There are no staffing implications.

Financial Summary (Capital and Revenue)

- There are no financial implications associated with this report and decision.

Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

There is a risk in not updating the current Code of Practice so that it does not comply with current legislation.

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
Leaving Code of Practice in current outdated form would risk legal challenges to decisions	M	L	Planning committee is being run in accordance with the current law but the Code needs to be updated to reflect this and provide the correct written guidance for members	Senior Solicitor (Planning and Land)

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The changes include the Council's policy in respect of multi-location meetings.

Options Available and considered

- i. the Committee confirm that they wish to adopt the updated Code.
- ii the updated Code is not accepted and/or changes are put forward.

Preferred Option and Why

It is recommended that the updated Code of Practice is adopted so that Planning Committee has current and relevant guidance.

Comments of Chief Financial Officer

The report confirms there are no cost implications associated with adopting the updates Code of Practice, which simply brings them up to date in line with changed legislation and new ways of working.

Comments of Monitoring Officer

There are no specific legal issues arising from the Report. However, the Planning Code of Practice needs to be updated in line with the Council's constitutional corporate governance arrangements to reflect changes in legislation and decision-making procedures. The amendments to the Standing Orders Regulations changed the quorum requirements for Planning Committee and the composition of the Committee in relation to only one ward member being able to sit on the committee where there are multiple member wards. The Regulations also necessitated changes to the arrangements for site inspections and decision-making. Subsequent legislative changes introduced by the Local Government & Elections (Wales) Act 2021 have also required changes to Standing Orders to reflect new arrangements for hybrid multi location meetings. These statutory changes have already been reflected in the Council's Standing Orders and the terms of reference for Planning Committee, but the Planning Code of Practice now needs to be updated in line with these other constitutional changes. There is no substantive change to the way in which decisions are taken and the current scheme of delegation remains unchanged, but the Code of Practice has been updated to reflect current practice and legal requirements. In addition, the provisions in relation to ethical standards and the Members Code of Conduct have been revised and updated to reflect more recent guidance from the Ombudsman and to provide greater clarity regarding declarations of interest and predetermination. The Code is non-statutory and is intended to provide guidance to Councillors, Officers and members of the public regarding the planning process. However, it is recommended that, in the interests of openness and transparency, the Code should be published as part of the Council's written constitution. Therefore, Planning Committee are asked to agree the revised Code of Practice and make a recommendation to full Council that it should be formally adopted as part of the Council's Constitution.

Comments of Head of People Policy and Transformation

There are no staffing implications to this report. As stated below, an FEIA has not been completed for this report; however it should be noted that the proposed changes to facilitate virtual or hybrid meetings will increase the ability of residents to take part in the meetings who may not have been able to do so if they had continued to be exclusively face to face.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The Council has a number of legislative responsibilities to assess the impact of any strategic decision, proposal or policy on people that may experience disadvantage or inequality.

An FEIA has not been completed as this proposal is to ratify an update to the Code of Practice, to bring it in line with current law and practice, and so it will have no practical effect.

Consultation

Background Papers

Copy of updated Code of Practice attached.

Dated: 20th January 2023