

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 6th December 2006

**REPORT OF DIRECTOR OF LAW &
DEMOCRACY**

Planning Code of Good Practice

Summary

The Local Government Association recommended that local planning authorities should agree a local Code of Practice to elected members and officers in the way they deal with planning applications to avoid allegations of malpractice in the operation of the planning system. The original guidance was published following the Nolan Committee report in 1997 and updated following the introduction of the new Model Code of Conduct in November 2001. That guidance has been updated following a review of the impact of the Code of Conduct and accordingly the Council's Planning Code of Good Practice has been amended to include the new recommendations. The draft Code is attached to this report at Appendix 1.

RECOMMENDATION

It is recommended that

- 1. the Draft Planning Code of Good Practice be noted**
- 2. any further comments members may wish to make be submitted in writing to the Head of Legal Services by 20 December 2006**
- 3. any further amendments to the Code be delegated to the Head of Legal Services in consultation with the Head of Planning prior to its submission to Cabinet.**
- 4. the code be referred to Cabinet with a recommendation that Cabinet recommend its approval by Council**

BACKGROUND

The Planning system involves taking decisions about the use and development of land in the wider public interest having regard, in particular, to the Development Plan. In doing so such decisions have to balance the requirements of the individual, whether the applicant or a neighbour, against the broader public interest. It is fundamentally important that the planning system should not only be fair, but should be seen to be fair. Accordingly the Local Government Association has recommended that Planning Authorities should agree a local Code of Practice to guide elected members, officers and

developers in the way they go about the business of dealing with planning matters.

- ***The aim of this code of good practice:*** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- ***The key purpose of Planning:*** to control development in the public interest.
- ***Your role as a Member of the Planning Authority:*** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- ***When the Code of Good Practice applies:*** this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

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Financial Implications

none

Environmental Implications

none

Legal Implications

It is not a statutory duty to adopt a local code of good practice but the code will provide members and officers with consistent guidance to dealing with planning applications to avoid allegations of bias or malpractice. The determination of Planning Applications in breach of the Code of Conduct are open to challenge.

Community Safety Implications

None

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Probity in Planning (update): the role of councillors and officers September 2006

Ward

Ward Councillors All