

REPORT TO:		Annual Council Meeting	
DATE:		18 <sup>th</sup> May 2023	
PORTFOLIO:		Leader of the Council	
REPORT AUTHOR:		Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		Annual Review of The Planning and Licensing Codes of Practice	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	

### **1. Purpose of Report**

- 1.1 To seek approval for the planning and licensing codes of practice following an annual review of the same.

### **2. Recommendations**

- 2.1 That Council approves the planning code of practice and licensing code of practice appended to this report;
- 2.2 That Council notes that training will be arranged for all members of the Planning and Judicial Committees in respect of their respective code of practice as soon as possible in the new municipal year.

### **3. Reasons for Recommendations and Background**

- 3.1 Local authorities are recommended, as a matter of good practice, to supplement their member code of conduct with specific codes of practice to assist members involved in the planning and licensing processes. These are complex areas, involving quasi-judicial decision-making and the codes are designed to give members guidance about dealing with the difficult issues that can arise – such as conflicts of interest, dealing with applicants, possible bias and predetermination etc.
- 3.2 There are only a few, minor changes to the codes proposed this year. The changes are intended to make the documents shorter, clearer and easier to read. In addition a summary page has been added at the start of each code, setting out the key points in an easy to read format for quick reference purposes, with the rest of the code offering more detailed guidance.

- 3.3 Following a recommendation of the Member Learning & Development Panel in 2016, members sitting on Planning and Licensing / Judicial Committees are required to have undergone training before they serve on the Committee and take part in decision making.
- 3.4 It is intended that all members serving on the Planning, Licensing and Judicial Committees will receive training in respect of their respective code of practice as soon as possible after approval of the codes of conduct. These sessions will be as short and informal as possible and will be delivered by Legal Services staff and their Planning and Licensing colleagues at no additional cost to the Council.

#### **4. Alternative Options considered and Reasons for Rejection**

- 4.1 The Council could decide not to have specific codes for these service areas.
- 4.2 Most local authorities have codes of practice for planning and licensing, as these are complicated areas requiring quasi-judicial decision-making and involving potentially difficult issues in respect of conflict of interest and bias. The codes of practice therefore strengthen the Council's corporate governance arrangements and it is suggested that they should be retained as a matter of good practice.

#### **5. Consultations**

- 5.1 None.

#### **6. Implications**

<b>Financial implications (including mainstreaming)</b>	None anticipated – it is proposed that the briefing sessions will be presented by Legal Services staff alongside Planning and Licensing colleagues. If an external trainer is proposed instead, a suitable budget will be identified before any booking is made.
<b>Legal and human rights implications</b>	There is no legal requirement to have codes of practice for members involved in the Council's planning and licensing functions, but it is recommended as good practice and minimises the risk of legal challenge to the Council's decision-making in these areas.
<b>Assessment of risk</b>	None
<b>Equality and diversity implications</b> <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as</i>	None identified.

<i>an appendix to the report.</i>	
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7. **Local Government (Access to Information) Act 1985:**  
**List of Background Papers**

None

8. **Freedom of Information**

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

