

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	20 October 2021
Title:	Update Report on Planning Code of Conduct
Reference:	
Report From:	Legal Services, Corporate Services

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1 Purpose of report

- 1.1 The purpose of this report is to inform Regulatory Committee members of the updated Planning Code of Conduct (“the Code”), the reasons for the update and the governance requirements required to bring this updated Code into effect. The Committee need to consider the amendments to the Code and decide whether to recommend the Code for adoption by full Council. If recommended the Code will then be taken to the next full Council meeting for adoption.

2 Recommendations

- 2.1 That Regulatory Committee recommends adoption of the updated Planning Code of Conduct together with the onward governance requirements necessary to give effect to the Code.

3 Contextual information

- 3.1 Hampshire County Council’s Legal Services has recently undertaken a review of the Code. This is to ensure it is compliant with current legislation and to reflect good practice. The code was last reviewed in February 2014.
- 3.2 The Code forms part of the County Council’s Constitution and can be found at Part IV Appendix B within the Constitution.

- 3.3 The Code has been redrawn to provide a clearer document setting out the conduct responsibilities of both Members and Officers when considering matters brought to Regulatory Committee. These responsibilities are set out separately for Members and Officers for easier reference. They have been updated where necessary in accordance with current legislation.
- 3.4 The Code expands the details on Member Training, providing a mandatory requirement for Members to have attended basic training in advance of first sitting on Regulatory Committee.
- 3.5 The Code sets out the details relating to the running of and participation in Regulatory Committee meetings and associated site visits (where appropriate.) These provisions have not altered in principle but have been expanded for clarity.
- 3.6 The Code includes more detail on the process to be adopted for amending recommendations
- 3.7 The Code now has an index to aid interpretation and permits easier cross-referencing to other relevant elements of the Constitution when viewed electronically.
- 3.8 The proposed changes to the Code have been informed by discussions with the County Council's Monitoring Officer. Legal Services has also worked closely with officers from Economy Transport and Environment and Culture, Communities and Business Services departments that work closely with Regulatory Committee.

4 Future direction

- 4.1 In order to effect the proposed changes to the Code, the updated Code must be approved by full Council as an amendment to the Constitution. Subject to Regulatory Committee recommending adoption of the Code a Part I report will be presented to full Council on 4th November 2021 to seek approval of the updated Code and its subsequent incorporation into the constitution.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No

OR

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:

The report outlines changes to the Planning Code of Conduct which governs the Regulatory Committee and so the report is required to inform members and promote transparency.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

None

EQUALITIES IMPACT ASSESSMENTS:

- **Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The decision in this report relates to the internal governance processes of the Regulatory Committee and therefore has a neutral impact on groups with protected characteristics.