

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

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| <b>Decision Maker:</b> | Regulatory Committee                      |
| <b>Date:</b>           | 27 July 2022                              |
| <b>Title:</b>          | Update Report on Planning Code of Conduct |
| <b>Report From:</b>    | Chief Executive                           |

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#### **Purpose of report**

- 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 (on the 29th of September 2022) for adoption.

#### **Recommendation**

2. That Regulatory Committee recommends adoption of the updated Planning Code of Conduct to Full Council, together with the onward governance requirements necessary to give effect to the Code.

#### **Contextual information**

3. Hampshire County Council’s Legal Services has recently undertaken a review of the Code. This is to ensure the Code is compliant with current legislation and to reflect good practice. The Code was last reviewed in February 2014.
4. The current Code forms part of the County Council’s Constitution and can be found at Part IV Appendix B within the Constitution.
5. 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.

6. The proposed changes to the Code have been informed by discussions with the County Council's Monitoring Officer. Legal Services has also worked with officers from Economy Transport and Environment and Culture, Communities and Business Services departments that work closely with Regulatory Committee. An Equalities Impact Assessment has been completed and can be found at Appendix B.
7. The Code now has an index to aid interpretation and permits easier cross-referencing via hyper-links to other relevant documents or parts of the Constitution when viewed electronically.
8. The intention of the updated layout of the Code is to better group together the content of the Code to make accessing the relevant procedural rules more intuitive.
9. A breakdown of all of the updates and changes to the Code is set out below at paragraphs 20 - 38. The more substantive updates for Members to consider are described in paragraphs 10 - 19 below.

### **Member's Training**

10. The Code expands the rules on Member Training. Paragraph 4.3 introduces a mandatory requirement for Members to have attended basic training in advance of their first sitting on Regulatory Committee.
11. There is more detail around the practicality and requirement of attending and the content of refresher training sessions at paragraphs 4.4 – 4.9.
12. Paragraphs 4.11 and 4.12 include a mechanism for referral to the Chair and Monitoring Officer if a Member consistently fails to attend training.

### **Amendments to Recommendation**

13. Paragraph 11.3 that addresses has been updated to more clarify the procedure for compiling the reasons of members in the event a recommendation is not adopted.
14. The Code now incorporates at paragraphs 13.5 – 13.12 an express procedure for the introduction and adoption of any proposed amendments to a recommendation.

### **Site Visits**

15. Paragraph 14.1 has been updated to clarify when decisions of the Officers for a site visit will take place
16. Paragraph 14.2 now provides that Members will be expected to attend site visits unless an access issue arising from a Member's disability prevents attendance.

17. Paragraph 14.3 expressly incorporates the Public Sector Equality Duty in the context of the Officers making arrangements for Members attendance at Site Visits.
18. Paragraph 14.9 of the Code clarifies the limited role of landowners at site visits to allow admission and for any health and safety guidance required during the visit.
19. Paragraph 14.10 and 14.11 includes a mechanism for referral to the Chair and Monitoring Officer if members fail to attend site visits.

### **Further Updates**

20. Paragraph 1.8 now incorporates reference to the relevant parts of the County Council's Standing Orders.
21. Paragraph 1.9 summarises general principle that only Offices and Members who observe the Code should take part in Regulatory Committee.
22. Paragraph 2.20 clarification on need to declare 'dual hat' interest as a Personal Interest at Committee.
23. Paragraph 7 clarification on basis of Member appointment to Committee in accordance with Constitution and link to Member details.
24. Paragraph 8.1 – 8.3 express reference and links to schemes of authorisation and delegation for Planning and Rights of Way and further description of Committee remit.
25. Paragraph 9.2 express reference to legislative timeframe for publication of reports.
26. Paragraph 9.5 reference and link to tests for conditions attached to planning permission.
27. Paragraph 9.6 – 9.7 detail on process for publication of update reports.
28. Paragraph 9.8 additional detail on the content of reports for Rights of Way, Common and Town or Village Green matters.
29. Paragraph 10.4 removal of reference to withdrawn circular.
30. Part 11 on Committee Process now separates guidance on decision making between planning matters (paragraphs 11.1 – 11.4) and Rights of Way, Common and Town or Village Green matters (paragraphs 11.5 – 11.6).
31. Paragraph 11.4 provides more detail on process for departing from recommendation or deferring a decision.
32. Paragraph 11.8.2 to allow for Members to declare any declaration of interest after the introduction of the item.

33. Paragraph 12.1 regarding deputations includes reference to rules in County Council Standing Orders
34. Paragraph 12.4 allows for Members of adjacent authorities or authorities within the administrative area of the County Council to make a deputation to Committee.
35. Paragraph 12.7 provides link to Standing Order 40 as the basis for Members of the County Council who are not Members of the Committee to speak, removal of reference to 'local.'
36. Paragraph 13.13 and 13.14 provide for grant of delegated authority for Officers to finalise wording in consultation with the Chair and Vice Chair of reasons for a decision of Committee not to adopt a recommendation or to defer a decision.
37. Removal in Annex B on Guidelines for determining planning applications of reference to withdrawn planning circulars
38. Link to Countryside Scheme of Authorisation at new Annex D

#### **Future direction**

39. 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 the 29th of September 2022 to seek approval of the updated Code and its subsequent incorporation into the constitution.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

