

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 18 APRIL 2024
title: SCHEME OF DELEGATION AND CODE OF CONDUCT
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

- 1.1 To seek Committee’s approval of the proposed Scheme of Delegation for Planning and Development and the Code of Conduct for Planning.
- 1.2 Relevance to the Council’s ambitions and priorities
 - Community Objectives - }
 - Corporate Priorities - } Consideration of these issues will promote the Council’s aim to be a well-managed Council.
 - Other Considerations - }

2 BACKGROUND

- 2.1 The Council currently has a Scheme of Delegation for Planning and Development which was last reviewed in 2018. This document sits within the Council’s constitution and sets out how the different types of application will be determined. In particular, it sets out which type of application are delegated to the Director of Economic Development and Planning and which should be determined by the Planning and Development Committee. It also contains provisions which allow ward members to “call-in” matters to be determined by the Planning and Development Committee which are ordinarily delegated to the Director of Economic Development and Planning.
- 2.2 The Council also currently has a Protocol for Planning, which was produced in 2018. This document supplements the Council’s Code of Conduct and sets out how planning matters should be dealt with in order to ensure that decisions are taken in a transparent manner, without bias or any suggestion of bias. This document does not currently sit within the Council’s constitution but it is proposed that it should do so along with the other codes, protocols and policies.

3 ISSUES

Scheme of Delegation

3.1 The Scheme of Delegation has been reviewed and amended. A copy of the existing scheme can be found at Appendix 1 and the revised scheme is enclosed as Appendix 2. It has not been possible to show the changes to the scheme as track changes because the changes to formatting and order in the document made this too difficult to follow.

3.2 Committee will note that the major amendments which have been made are as follows:

- Re-ordering the contents of the document so that delegated applications are grouped in section 2, Committee applications in section 3 and other decisions delegated to the Director of Economic Development and Planning are set out in section 4;
- Requirement added about the need for member call-ins to include a relevant planning reason, which is in line with the guidance produced by the Planning Advisory Service (PAS) and Lawyers in Local Government (LLG) with regard to the need to record reasons for call-in and that call-ins should relate to matters of planning concern, to avoid bias or any perception of bias;
- Clarification on the member call-in procedure to reflect current arrangements, with the additional requirement that committee reports will include an introduction section to outline the call-in details including planning reason(s) stated;
- List added for clarification on which applications are exempt from the member call-in;
- Reference to the 'less than ten objections' has been changed to say this is at the determination date, as opposed to the consultation expiry date, to reflect current arrangements, and clarification that one letter submitted on behalf of multiple addresses will be counted as one objection;
- Residential care homes have been included within the list of commercial developments which will be delegated decisions if less than ten objections are received;
- Clarification that applications for tree works and stopping up or diversion orders of public rights of way will be delegated to the Director of Economic Development and Planning;

- Additional Development Management matters added to the list of 'other decisions delegated to the Director of Economic Development and Planning' to reflect current arrangements. These relate to fees arising on an application; determination as to whether or not to decline to determine an application; and determination as to whether or not applications should be subject to an Environmental Impact Assessment (EIA); and
- Removal of 'The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee' from the list of 'other decisions delegated to the Director of Economic Development and Planning' to reflect current arrangements whereby these are brought back to the Committee.

3.3 In addition, Committee will note that the member call-in form (found as an Appendix to the Scheme of Delegation) has been updated to reflect the requirement for members to give a relevant planning reason and to simplify the form with fewer boxes.

Code of Conduct for Planning

3.4 A copy of the current Protocol for Planning has been enclosed at Appendix 3 and a copy of the proposed new Code of Conduct for Planning has been enclosed as Appendix 4. Again, it has not been possible to show the changes as track changes because the changes in formatting and order in the document made this difficult to follow. The major changes to the Code are as follows:

- To retitle the document as a Code rather than a Protocol to demonstrate that it is a Code of behaviour and is a supplement to the Code of Conduct;
- To reflect the best practice set out in the Planning Advisory Service Code of Conduct for Planning and the LLG Code of Conduct for Planning;
- To set out clearly when the Code of Conduct for Planning will apply and its interrelationship with the Code of Conduct; (including declarations of interests);
- To set out in more detail the position on Fettering discretion, pre-determination and bias.
- To update the requirements on members training, with particular reference to mandatory training.

- To ensure that there is clear guidance, should a ward members wish to call in a planning application, and to ensure that there is a clear link with the provisions of the Scheme of Delegation in this regard.
- To set out in more detail within the document the arrangements and guidance on site visits.

3.5 Committee is asked to consider, approve and recommend to Council for adoption the revised Scheme of Delegation and Code of Conduct for Planning

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – As the scheme of delegation does not materially change which applications will be determined under delegated powers and which will be brought to the Planning and Development Committee there are no additional staff resourcing issues to consider.
- Technical, Environmental and Legal – The approach taken in the Code of Conduct aligns with best practice in the PAS guidance and the LLG code of conduct for planning.
- Political – No implications
- Reputation – The consideration of planning matters in accordance with the scheme of delegation and code of conduct will enhance the Council's reputation.
- Equality & Diversity – The Council complies with its equality duties in relation to all planning matters.

5. **IT IS RECOMMENDED THAT COMMITTEE:**

5.1 Approve the Scheme of Delegation and recommend its adoption to Council.

5.2 Approve the Code of Conduct for Planning and recommend its adoption to Council.

MAIR HILL

HEAD OF LEGAL AND DEMOCRATIC SERVICES

NICOLA HOPKINS

DIRECTOR OF ECONOMIC
DEVELOPMENT AND PLANNING

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 4418 or Lyndsey Hayes, extension 4502

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