

West Suffolk Planning Code of Practice

Report number:	COU/WS/21/004	
Report to and dates:	Council	23 February 2021
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Decisions Plan: **Not applicable as this is not an executive matter.**

Wards impacted: **All wards**

Recommendation: **It is recommended that the revised Planning Code of Practice, as contained in Appendix A to Report number: COU/WS/21/004, be approved for inclusion in the West Suffolk Council Constitution.**

1. Context to this report

- 1.1 In developing the West Suffolk Council Constitution, the Shadow West Suffolk Council agreed a Planning Code of Practice. The Code of Practice operates alongside the Code of Conduct, providing guidance to all members on how they should act in relation to planning applications in their own ward, and provides additional guidance to members of the Development Control Committee on the steps they should take to ensure planning applications are made in a fair, consistent and transparent manner.
- 1.2 Nationally, there has been concern that a small number of cases of poor practice have tainted the reputation of local authority planning practices. This was reflected in a report issued by Transparency International in August 2020 that highlighted potential risks to the planning system and encouraged authorities to adopt a range of best practice recommendations to reduce the risks of conflict when dealing with planning applications.
- 1.3 In addition, recent caselaw has also clarified that whilst it is perfectly acceptable for the authority to determine its own planning applications, there are steps that should be taken to avoid potential conflicts for those members who have led on development proposals.
- 1.4 With this in mind, the Constitution Review Group has undertaken a review of the Planning Code of Practice and this report seeks approval of the proposed amendments.

2. Proposals within this report

- 2.1 The revised Planning Code of Practice is attached at Appendix A to this report.
- 2.2 The revisions have focused on the following areas:
 1. Enhancing the section on predetermination and including clarity on the difference between predetermination and predisposition
 2. Confirming that where the authority is considering its own planning application those with functional responsibility for the development should not participate in the decision
 3. Providing guidance should members of the Development Control Committee act as agents, lobbyists or developers for applications

3. Consultation and engagement undertaken

- 3.1 The proposals within this report have been developed by the Constitution Review Group.

4. Risks associated with the proposals

- 4.1 The Planning Code of Practice is part of our constitutional framework and demonstrates our commitment to high standards of governance and transparency within our decision making. Failure to ensure these documents remain fit for purpose increases the risk of poor practice in decision making.

5. Implications arising from the proposals

- 5.1 There are no specific implications arising from the proposed Code.

6. Appendices referenced in this report

- 6.1 **Appendix A:** Revised West Suffolk Planning Code of Practice