

ARNSLEY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR, PLACE

TITLE: LOCAL CODE OF PLANNING CONDUCT & GUIDANCE 2022

REPORT TO:	CABINET
Date of Meeting	1 June 2022
Cabinet Member Portfolio	Place (Environment and Transportation)
Key Decision	Yes
Public or Private	Public

Purpose of report

This report seeks approval to adopt an updated Local Code of Planning Conduct and Guidance.

Council Plan priority

Enabling Barnsley

Recommendation

That Cabinet:-

1. Approves the 'Local Code of Planning Conduct and Guidance 2022' for recommendation to the Council.

1. INTRODUCTION

- 1.1 The Council's current Local Code of Planning Conduct and Guidance was adopted by Full Council in 2015. The Code of Conduct applies to members and officers of the Council and its primary purpose is to ensure that decisions made in respect of planning applications are fair, open and transparent.

2. PROPOSAL

- 2.1 It is imperative that the way in which members and officers determine planning applications is fair, honest and transparent and it is also essential that members and officers act in accordance with their own statutory duties. The existing Local Code of Planning Conduct and Guidance has been in place

almost seven years and has been effective in ensuring that planning decisions are fair, honest and transparent and in accordance with relevant statutory duties. This can be evidenced by the Council:

- Having an up-to-date Local Plan,
- Adopting seven Masterplan Frameworks covering the larger employment, housing and mixed-use allocations in the Local Plan,
- Providing in excess of 5-years housing land supply and meeting the Governments housing delivery test targets,
- Adopting a raft of Supplementary Planning Documents providing guidance regarding a whole host of planning issues
- Achieving government targets for timeliness and quality of planning decisions
- Being in the top 5% of authorities in respect of taking formal enforcement action against breaches of planning control
- Seeing very few complaints upheld by the Local Government Ombudsman

2.2 Nonetheless, it is essential that officers and members remain familiar with and understand their obligations so as to avoid becoming complacent and allowing bad habits manifest themselves. Work to update the Local Code of Conduct & Guidance was therefore underway when the pandemic hit but was paused while officers got to grips with new ways of working. Since then, changes have been made to the scheme of delegation from Planning & Regulatory Board. These were initially introduced on a temporary basis but were subsequently made permanent by Full Council following endorsement by Planning & Regulatory Board and Cabinet.

2.3 The changes retain member involvement in the same types of planning applications as previously but certain applications no longer have to be considered at the main Planning & Regulatory Board meeting if members of the Planning & Regulatory Board are satisfied with the officer recommendation having been consulted in advance of the main meeting. This renders the wording of some sections of the existing Local Code of Planning Conduct & Guidance out of date and so it has been updated accordingly.

2. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

3.1.1 Consultations on the financial implications of this report have taken place with representatives of the Service Director for Finance and S151 Officer. There are no direct financial implications arising from this report.

3.1.2 The updates to the Local Code of Planning Conduct & Guidance will assist in helping to manage risks associated with planning decision making.

3.2 Legal

3.2.1 The Head of Legal Services has helped to draft the updated Code of Conduct to ensure it reflects the latest legislation and guidance.

3.3 Equality

- 3.3.1 Equality Impact Assessment Pre-screening completed determining full EIA not required.

3.4 Sustainability

- 3.4.1 The decision-making wheel has not been not completed as the report relates solely to officer and member conduct and governance.

3.5 Employee

- 3.5.1 Employees will be required to comply with the Code and will be asked annually to sign the key messages document confirming that they are aware of what the Code requires and committing to adhering to it.

3.6 Communications

- 3.6.1 If approved, all members will be offered a training session to update them on changes to the Local Code of Planning Conduct & Guidance.

4. CONSULTATION

- 4.1 Informal discussions have taken place with the Chair of Planning and Regulatory Board and officers in Legal and Governance in advance of preparing this report. There is no statutory requirement to consult on the changes

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 There are two potential alternatives to the recommendations, which are:
- a. To update the Local Code of Planning Conduct & Guidance but for it not to be accompanied by a Key Messages document which needs to be signed annually
 - b. For the Key Messages document to only be signed by members at the beginning of each term and for officers every 4 years.
- 5.2 Neither of these are deemed to be preferable as they increase the risk that members and officers will forget the content of the Local Code of Planning Conduct & Guidance.

6. REASONS FOR RECOMMENDATION

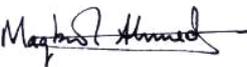
- 6.1 It is considered necessary for the Local Code of Planning Conduct and Guidance to be updated to take account the changes to the scheme of delegation from Planning Regulatory Board to officers. In updating the Code, an opportunity has also been taken to benchmark the existing code against best practice and in doing so, it has been identified that a key messages document to accompany the code, which will be signed annually by members and officers, will be an effective way of ensuring that both groups remain

familiar with and understand their obligations.

7. LIST OF APPENDICES

- Appendix 1: Existing Local Code of Planning Conduct & Guidance 2015:
- Appendix 2: Proposed Local Code of Planning Conduct & Guidance 2022
- Appendix 3: Proposed Local Code of Planning Conduct & Guidance 2022 – Key Messages Document

8. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted March 2022.  <i>This box must be signed to confirm that there are no financial implications.</i>
Legal consultation & sign off	Jason Field 28/04/22

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Date: 28 April 2022