

STANDARDS AND ETHICS COMMITTEE:

18 MAY 2016

REPORT OF THE INTERIM MONITORING OFFICER

PLANNING COMMITTEE PROTOCOL

Reason for this Report

1. To inform the Committee of the development of a draft Planning Committee Protocol by the Welsh Local Government Association; and to provide an opportunity for the Committee to respond to the consultation thereon.

Background

2. Under its approved terms of reference (paragraphs (a), (c) and (h)), the Committee is authorised to make recommendations and issue guidance in respect of ethical standards, issues of probity and the effective implementation of the Codes of Conduct.
3. The Committee has identified the Council's planning processes and procedures as a key item of business in its Forward Plan, specifically, to consider improving public perceptions relating to openness and transparency.
4. At its meeting in December 2015, the Committee considered the Members' Planning Code of Good Practice ('the Planning Code') adopted by the Council and set out in Part 5 of the Constitution. It was commented that the Code did not make reference to Community Council involvement and that the language used in the Code could be perceived as intimidating. It was agreed that further consideration should be given to the Code, with input from Members of the Planning Committee.

Issues

5. In response to calls for a more consistent approach to planning across Wales, the Welsh Local Government Association (WLGA) has worked with representatives from a number of authorities to draft a voluntary planning committee protocol; and circulated the draft Protocol for consultation. The WLGA consultation document, which includes the draft Protocol, is appended as **Appendix A** to this report. The deadline for consultation responses is 20th May 2016.

6. The Committee will note that the aim of the Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way; and that it is intended to complement any national and local codes on Councillor Conduct and the general arrangements regarding the running of meetings.
7. The draft Protocol covers issues currently addressed in the Members' Planning Code of Good Practice ('the Planning Code'), and as such, if adopted by this Council, would replace the Planning Code. A copy of the Planning Code is appended as **Appendix B**.
8. The draft Protocol also includes some issues, such as public speaking at planning committee meetings, which are addressed in the Council's Planning Committee Procedure Rules (set out in Part 4 of the Constitution). If the draft Protocol were to be adopted in its current form, consideration would need to be given to consequential amendments to the Planning Committee Procedure Rules. A copy of the Planning Committee Procedure Rules is appended as **Appendix C**.
9. Planning officers have considered the draft Protocol in light of current arrangements in Cardiff, and in consultation with Planning Committee Members, have prepared a draft response to the consultation, appended as **Appendix D**.
10. Members are invited to consider the consultation on the draft Protocol and the draft response prepared by Cardiff's planning team, and make any appropriate observations in respect of matters relating to ethical standards, issues of probity or ethical conduct.
11. The Committee may also wish to note that the Council's Head of Planning has advised that a wide range of performance improvement measures are currently being rolled out as part of the Planning Service Business Plan 2016-17. These include reviewing and consolidating the plethora of existing protocols and guidelines relating to the operation of the Planning Committee. This is intended to provide a more up-to-date, concise and user-friendly basis to oversee the operation of the Planning Committee and fully accords with applying the principles of open and transparent governance. Work is programmed to be completed in the near future and the Committee is invited to receive a further report on this work in due course.

Legal Implications

12. There are no direct legal implications arising from the recommendations of this report.

Financial Implications

13. There are no financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

- 1) Consider the WLGA draft Planning Committee Protocol and consultation document (**Appendix A**), and Cardiff's draft consultation response (**Appendix D**);
- 2) Provide any comments on the draft Protocol in respect of matters relating to ethical standards, issues of probity or ethical conduct;
- 3) Instruct the Interim Monitoring Officer to liaise with the Head of Planning to incorporate the Committee's comments into Cardiff's consultation response; and
- 4) Receive a further report in due course from the Head of Planning on improvements being made to governance arrangements for planning matters (as set out in paragraph 11 of the report).

David Marr
Solicitor and Interim Monitoring Officer
12th May 2016

APPENDICES

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| Appendix A | WLGA Consultation on Draft Planning Committee Protocol |
| Appendix B | Members' Planning Code of Good Practice |
| Appendix C | Planning Committee Procedure Rules |
| Appendix D | Draft Consultation Response |

Background Papers

Standards and Ethics Committee report, 15 December 2015, Members' Planning Code of Good Practice; and minutes thereof