

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Discretionary / Operational	Be entirely within Cabinet's powers to decide		NO	
		Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
Lead Member: Cllr James Moriarty E-mail: cllr.James.Moriarty@west-norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officers: Stuart Ashworth/ Alexa Baker – Assistant Director for Legal, Governance & Licensing (Monitoring Officer) E-mail: stuart.ashworth@west-norfolk.gov.uk or alexa.baker@west-norfolk.gov.uk Direct Dial: 01553-616417/01553-616270		Other Officers consulted: Hannah Wood-Handy, Planning Control Manager			
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES	Environmental Considerations NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 4 March 2025

PLANNING MEMBER CODE OF CONDUCT

Summary

The current planning member code of conduct was last updated in August 2017, and is therefore in need of a refresh. A new code of conduct is therefore attached, which is based on codes already in use, as many of the issues are relevant across the country, albeit they may be tweaked to suit local circumstances. One of the model codes used was the latest (2023) Lawyers in Local Government (LLG) standard model, provided in association with the Local Government Association (LGA).

Recommendation

To adopt the new planning member code of conduct, attached to this report.

Reason for Decision

To ensure that in their dealings with planning decisions, councillors act in accordance with the law, best practice and guidance.

1.0 Background

1.1 It is important that councillors act in accordance with the law when making planning decisions, which can have far reaching implications. The aim of a code

of conduct is to ensure that, in the planning process, there will be no grounds for suggesting that a planning decision has been biased, partial or not well founded on planning considerations, and to inform potential developers and members of the public of the standards adopted by the Borough Council in the performance of its planning function. Whilst the Planning Committee make a relatively small number of decisions overall, the ones that they do make can often be the most complicated or controversial, and therefore potentially the most likely to be at risk of legal challenge.

- 1.2 There is a current planning code of conduct (currently known as a code of good practice), which was agreed in 2017. Whilst many of the principles will remain unchanged, it undoubtedly needs a refresh and updating.
- 1.3 The new code proposed has been based on codes already in use, including the latest (2023) Lawyers in Local Government (LLG) standard model, provided in association with the Local Government Association (LGA).
- 1.4 The scheme has been slightly amended to include some changes that were included at the previous update, including that members need to attend the ongoing planning training when it takes place, and to match it as appropriate to the planning scheme of delegation.

2.0 Options Considered

- 2.1 Option 1 – To refresh and update the Member Planning Code of Conduct

This is the preferred option as it is considered important to have an up to date code of conduct, to help protect members when making planning decisions and in operating the planning function.

- 2.2 Option 2 - To continue with the previous 2017 code of conduct

Whilst the majority of the code of conduct still remains relevant, it is considered better to update it, so it takes into account any more recent changes, for example case law that has come forward since it was last agreed.

- 2.3 Option 3 – To not adopt a Member Planning Code of Conduct

This is not a sensible or indeed realistic option, as it would likely leave the council open to legal challenge on certain planning decisions.

3.0 Policy Implications

- 3.1 N/A

4.0 Financial Implications

4.1 None direct, but it should be noted that legal challenges can be expensive, and an up to date code of conduct which members follow, would give the council the best chance of defending a challenge.

5.0 Personnel Implications

5.1 None.

6.0 Environmental Considerations

6.1 There are no direct environmental considerations.

7.0 Statutory Considerations

7.1 These relate to the lawfulness of decisions made by the Planning Committee in particular, as if decisions are not made correctly, and if the code of conduct is not followed, decisions made may be more open to legal challenge.

8.0 Equality Impact Assessment (EIA)

8.1 Pre-screening assessment attached.

9.0 Risk Management Implications

9.1 Should a code of conduct fail to be adopted, then there is an increased risk of legal challenge to some planning decisions. Likewise, if an up to date code is not adopted, then whilst the risk would be much less, there could still be an increased risk of challenge.

10.0 Declarations of Interest / Dispensations Granted

10.1 None

11.0 Background Papers

LLG Model Members Code of Good Practice

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

Stage 1 - Pre-Screening Equality Impact Assessment

For equalities profile information please visit [Norfolk Insight - Demographics and Statistics - Data Observatory](#)

Name of policy/service/function	Members Code of Good Conduct for Planning				
Is this a new or existing policy/service/function?	New		Existing	x	
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.	To update the member code of conduct when making planning decisions. No it isn't, rather it is best practice.				
Who has been consulted as part of the development of the policy/service/function? – new only (<i>identify stakeholders consulted with</i>)	N/A				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group. NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Sex			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
	Armed forces community			X	
	Care leavers			X	
Other (eg low income, caring responsibilities)			X		
Please provide a brief explanation of the answers above:					
The policy is for councillors of the authority when exercising their legal duties in carrying out the planning function.					

Question	Answer	Comments	
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No		
3. Could this policy/service be perceived as impacting on communities differently?	No		
4. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions: Not relevant as there are no impacts.	
		Actions agreed by EWG member:	
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Decision agreed by EWG member:</p>			
5. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	Please provide brief summary:	
Assessment completed by: Name	Stuart Ashworth		
Job title	Assistant Director – Environment & Planning		
Date completed	20/1/'25		
Reviewed by EWG member	C. Marriott	Date	24.01.24

Please tick to confirm completed EIA Pre-screening Form has been shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)