



Audit and Standards Advisory Committee

29 September 2022

Report from the Corporate Director, Governance

Planning Code of Practice Review 2022

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three: 1. Independent Expert, Brent Planning Code Review Report, (Appendix A). 2. Table re review recommendations, (Appendix B). 3. Marked up copy of the Brent Planning Code of Practice reflecting proposed changes, (Appendix C).
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 The purpose of this report is to update the Committee on the outcome of the Independent Review, and the consequential recommended changes, in relation to the Planning Code of Practice.

2.0 Recommendations

- 2.1 That the Audit and Standards Advisory Committee consider and note the contents of the report.
- 2.2 That the Audit and Standards Committee note that Full Council will be asked to approve the proposed changes to the Planning Code of Practice.

3.0 Detail

Background

- 3.1 Part 6 of the Council's Constitution contains the Members' Code of Conduct and a Planning Code of Practice. The final paragraph of the Planning Code states:

"14.1 The Director of Legal, HR and Audit & Investigation will commission a report independent of the planning service in early 2018, and once every four years thereafter on the operation of this Code of Practice. The report should address the extent of compliance with this Code by officers and members, contain an analysis of decisions being made against officers' recommendations and set out any appropriate recommendations for improvement."

- 3.2 The last review was undertaken in 2018 and considered by this Committee in December of 2018.
- 3.3 In June 2022, the Planning Advisory Service (PAS), a part of the Local Government Association (LGA), undertook a comprehensive independent review of the Council's Planning Code of Practice (the Code) as required by the Constitution. A copy of the report is attached as Appendix A. This report updates the Committee on the independent expert's findings, recommendations and consequential action taken by officers.

Key findings of Independent Review (IR)

- 3.3 When considering how Brent council compares with other local planning authorities, in particular other London Boroughs; the Independent Reviewer found that "Brent's Code of Practice should be considered as national best practice and used as a benchmark for other Councils to use to help them review their own codes of practice".
- 3.4 The reviewer noted "there are some areas that should be considered by Brent to fine tune the Code of Practice but none of these are urgent or likely to put Brent at risk of legal challenge if not implemented immediately".
- 3.5 He advised "conduct of councillors and officers at Planning Committee was in the main excellent with councillors and officers clearly understanding their roles and understanding both the planning issues and the Planning Committee process". Further he commented that he observed "a very well run Committee with a high level of professionalism and mutual respect from councillors and officers. In many ways the Planning Committee was run in an exemplary manner".
- 3.6 He was of the view that the Planning Committee "is backed up by sound decision making".

- 3.7 The reviewer noted that whilst “there are some improvements that can be made and these have been highlighted in the report, none of the recommendations are critical or urgent”.

Key Recommendations/Suggestions of Independent Review

- 3.8 Senior officers discussed the recommendations and improvements identified by the IR. Their comments, together with comments by the independent reviewer are set out in Appendix B. Attached as Appendix C is a marked copy reflecting proposed changes to the Code.
- 3.9 Senior officers are pleased with the findings of this review and are grateful to the independent reviewer for the work he has undertaken.

4.0 Financial Implications

- 4.1 There are no financial implications arising out of this report.

5.0 Legal Implications

- 5.1 There are no legal implications arising out of this report.

6.0 Equality Implications

- 6.1 There are no equality implications arising out of this report.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Not applicable.

Report sign off:

DEBRA NORMAN
Corporate Director Governance