

|   |   |
|---|---|
| <br><b>Brent</b>   | <p align="center"><b>Full Council</b><br/>21 November 2022</p>  |
|   | <p align="center"><b>Report from the Corporate Director,<br/>Governance</b></p>   |
| <p><b>Changes to the Constitution</b></p>   |   |
| <p><b>Wards Affected:</b></p>   | All Wards   |
| <p><b>Key or Non-Key Decision:</b></p>  | Council   |
| <p><b>Open or Part/Fully Exempt:</b><br/><small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small></p> | Open  |
| <p><b>No. of Appendices:</b></p>  | One<br>Appendix A: Proposed changes to Constitution – Planning Code of Practice   |
| <p><b>Background Papers:</b></p>  | None  |
| <p><b>Contact Officer(s):</b><br/><small>(Name, Title, Contact Details)</small></p>   | Debra Norman, Corporate Director, Governance<br>020 8937 1578<br><a href="mailto:Debra.Norman@brent.gov.uk">Debra.Norman@brent.gov.uk</a> |

## 1.0 Summary

1.1 This report proposes changes to the Constitution, primarily to reflect the recommended changes following the Independent Review of the Planning Code of Practice.

## 2.0 Recommendations

2.1 To agree the amendments to the Constitution set out in this report and Appendix A.

2.2 To authorise the Corporate Director, Governance to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

### **3.0 Background**

#### **Planning Code of Practice**

- 3.1. Changes are required to Part 6 of the Council's Constitution containing the Planning Code of Practice (the Code), to reflect the independent review of the Council's Code which was undertaken in June 2022, by the Planning Advisory Service (PAS) part of the Local Government Association. The Independent review is required by the Code to 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. A copy of the report containing the independent expert's findings, recommendations and the consequential action taken by officers was considered by the Audit and Standards Advisory Committee on 29.09.22. Council should note that Audit and Standards Advisory Committee were advised that the recommendations pertaining to (a) and (b) below were still under consideration when the committee considered the report.
- (a) new section in the Code of Practice to provide guidance to Members of Planning Committee and other councillors on their engagement in the pre application process.
  - (b) consider additional sections in the Code of Practice to include councillor responsibilities in reviewing live planning applications and how they should be engaged in post decision matters.

These (a & b above) have now been addressed and included into Appendix A, under paragraphs 8, 13 and 14.

- 3.3. Officer's would like to highlight that 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 changes to the Planning Code reflect the "fine tuning" recommended by the reviewer, in addition to addressing 3.2 (a) and (b) above.

### **4.0 Legal implications**

- 4.1. There are no specific legal implications arising from this report.

### **5.0 Financial Implications**

- 5.1. No specific financial implications arise from this report.

### **6.0 Diversity Implications**

6.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:

- a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
- b) advance equality of opportunity; and
- c) foster good relations between those who share a "protected characteristic" and those who do not.

This is the Public Sector Equality Duty (PSED). The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation

6.2 No equalities implications are considered to arise from this report.

**Report sign off:**

**Debra Norman**

Corporate Director Governance