

Standards Committee

Wed 30th June
2010
7.00 pm

Committee Room Two
Town Hall
Redditch



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- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
Ivor Westmore
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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

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If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Standards

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7.00 pm

Committee

Committee Room 2, Town Hall

Agenda

Membership:

Independent Members:

Deborah Andrews (Chair)
Michael Collins (Vice-Chair)
Brian Warwick

Redditch Borough Councillors:

Greg Chance
Anita Clayton
Andrew Fry
Malcolm Hall
William Norton
Jinny Pearce
Derek Taylor

Feckenham Parish Councillors:

Antonia Pulsford
Louisa Venables

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
3. Minutes (Pages 1 - 8) Chief Executive	To confirm as a correct record the minutes of the meeting of the Standards Committee held on 8th December 2009. (Minutes attached)
4. Monitoring Officer's Report (Pages 9 - 14) Head of Legal, Equalities and Democratic Services	To receive a report from the Monitoring Officer on any matters of relevance to the Committee. (Report attached) (No Specific Ward Relevance)

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<p>5. Members' Planning Code of Good Practice</p> <p>(Pages 15 - 34)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider a revised Planning Code of Good Practice for adoption by the Council.</p> <p>Please note that this draft Code is being re-submitted to the Committee following consideration by the Planning Committee.</p> <p>Additions to the draft Code are marked in bold and highlighted and deletions are marked by strikethrough.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>
<p>6. Chair's / Members' Reports</p> <p>Chief Executive</p>	<p>To consider any Chair / Member updates not separately covered on the agenda list, including brief feedback from any Seminars or Conferences.</p> <p>(Oral report)</p>
<p>7. Parish Council Report (if any)</p>	<p>To consider any report from the Feckenham Parish Council's representatives on any matters of relevance to the Committee.</p> <p>(Oral report)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>8. Publications</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To note any publications which the Committee may find of interest.</p> <p>(No separate report)</p> <p>(No Specific Ward Relevance)</p>
<p>9. Work Programme</p> <p>(Pages 35 - 36)</p> <p>Monitoring Officer, Head of Legal, Democratic and Property Services</p>	<p>To consider and review the Committee's Work Programme.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>



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8th December 2009

MINUTES

Present:

Independent Members:

D Andrews (Chair), M Collins and B Warwick

Borough Council Members:

Councillors J Field, M Hall, P Mould,

Parish Council Members:

Councillor L Venables

Officers:

S Mullins

Committee Officers:

D Sunman

20. APOLOGIES

Apologies for absence were received on behalf of Councillors A Clayton and Pearce.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 30th September 2009 be confirmed as a correct record and signed by the Chair subject to the following amendment to Minute 19:

“under Section 81 of the Local Government Act 2000 Regulation 17 of the Standards Committees (Further Provisions) (England) Regulations 2009, a dispensation be granted the Council remove from to all current and future Members of the Feckenham Parish Council for a period of four years from the granting of the dispensation 30th September

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Chair

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2009 to enable Parish Council Members to speak and vote when transacting business ~~the disability imposed on them in relation to conducting any business relating to the Feckenham Village Amenity Trust.~~

The Standards Committee granted this dispensation because, as a result of the mandatory provisions of the Code of Conduct, more than 50% of the Members of the Parish Council would be ~~disabled~~ prohibited from voting on any business of the Parish Council which related to the Feckenham Village Amenity Trust and this would impede the transaction of the business of the Parish Council."

23. MATTERS ARISING

The Monitoring Officer reported that the Planning Committee, at their last meeting, had not approved the Members' Planning Code of Good Practice. The Committee had requested that an all Member briefing session be held. She reported that this session would be arranged for early 2010 with any suggested amendments being reported to the Standards Committee. She confirmed that the current Members' Code of Good Practice would remain operational until the new Code had been adopted by Council.

24. VISIT FROM REPRESENTATIVES OF BROMSGROVE DISTRICT COUNCIL STANDARDS COMMITTEE

Members were informed that the representatives from Bromsgrove District Council's Standards Committee were unable to attend because of ill health. However, arrangements would be made for them to attend the next meeting of this Committee.

25. STANDARDS BOARD INTERVENTIONS, JOINT STANDARDS COMMITTEES AND DISPENSATIONS

The Committee considered a report on the new Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255), which came into force from 15th June 2009.

The Monitoring Officer outlined the provisions of the Regulations.

1) Suspension of Standards Committee Functions

Members were informed that the Regulations allow the Standards for England (SBE) to suspend the functions of a local Standards Committee where the Committee has failed to perform its functions satisfactorily. An intervention could be triggered where:

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- a) it is the view that an Authority's Standards Committee has failed:
 - i) to have regard to SBE guidance;
 - ii) to comply with a direction from SBE;
 - iii) to carry out its functions within a reasonable time or in a reasonable manner;
 - b) it is the view that the Authority's Monitoring Officer had failed to carry out his/her functions within a reasonable time or in a reasonable manner;
 - c) the Authority or its Standards Committee has requested the Standards Board to intervene.
- 2) Joint Standards Committee

Officers reported that the Regulations empower Authorities to establish Joint Standards Committees. Where Authorities wish to establish a Joint Standards Committee the full Council of each of the participating Authorities would need to resolve:

to establish the Joint Standards Committee:

- a) which standards functions would be allocated to the Joint Committee and which, if any, would be retained by the Authority's own Standards Committee;
- b) the administrative arrangements to support the Joint Standards Committee;
- c) whether standards complaints should be addressed directly to the Joint Standards Committee, or should continue to be addressed to the individual Authority;
- d) the number of members, including Independent and Parish members, to be appointed to the Joint Standards Committee by each participating Authority, and their terms of office;
- e) make provision for the Joint Standards Committee to appoint members to its Referrals, Review and/or Hearings Sub- Committees, as required;

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- f) provide for payment of allowances to members of the Joint Standards Committee; and
- g) provide a procedure for an Authority to withdraw from the Joint Standards Committee; and
- h) provide how the cost incurred by the Joints Standards Committee should be shared between the participating Authorities (or in default be determined by an arbitrator).

3) Dispensations

The Committee was informed that the Regulations extend the powers of Standards Committees to give Members dispensations where they would otherwise be prohibited on a matter because of a prejudicial interest.

RESOLVED that

- 1) **the changes made by the Regulations be noted;**
- 2) **the creation of a Dispensation Sub-Committee with Terms of Reference as detailed in Appendix 1 of the report be approved;**
- 3) **the Dispensation Application Form and Guidance, attached at Appendix 2 of the report, be approved; and**
- 4) **the Monitoring Officer advise all Members of the new grounds for dispensation in respect of prejudicial interests.**

(The Monitoring Officer to investigate the feasibility of adding an Appeals mechanism to the process and obtain the view of the SBE.)

26. RAISING AWARENESS OF STANDARDS AND THE STANDARDS COMMITTEE WITHIN AND OUTSIDE THE COUNCIL

Members considered a report which sought options for and approaches to raising the profile of Standards and the Standards Committee inside and outside the Council.

RESOLVED that

the following additional options and approaches be pursued:

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- 1) **Receiving, assessing and reviewing complaints:**
 - a) **giving information about how to make a complaint to the Citizens Advice Bureau;**
 - b) **having a dedicated website page for standards issues;**
 - c) **engaging in local press interviews; and**
 - d) **placing an article Redditch Matters.**
- 2) **Local Investigations**
 - a) **Informing Members of the results of investigations:**
 - i) **communicating the information to full Council, Group Leaders and Parish Councils;**
 - ii) **ensuring Parish Councils are kept informed;**
 - iii) **using complaint outcomes in training sessions; and**
 - iv) **Sending copies of press releases to all Members.**
 - b) **Informing the public of the results of investigations:**
 - i) **produce a media protocol that sets out publicity issued at the various stages of dealing with complaints.**
- 3) **Promotion of standards of conduct in public life:**
 - a) **Examples of Standards Committee involvement in more specialised training include:**
 - i) **training on member roles, such as what the requirements of being a Parish Councillor or Independent Member are;**
 - ii) **chairing skills;**

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- iii) understanding and preparing for interaction with the media;
- iv) equality and diversity.
- b) **Examples of training methods and approaches used by Local Authorities:**
 - i) in-house training delivered by the Standards Committee or other people in the Local Authority;
 - ii) induction of new Members;
 - iii) group workshops using case study style materials;
 - iv) approaching SBE training materials and attending the Annual Assembly;
 - v) approaching SBE to discuss inviting representatives to speak at meetings or contribute to seminars;
 - vi) joint training events with other Local Authorities;
 - vii) online training on Member's only pages;
 - viii) the Standards Committee be involved in agreeing the Member training and development each year based on feedback from the previous year's programme, discussions with the party whips, and from responses to an annual Members' survey. The programme is split into specific skills training, knowledge based events, 1:1 support and group support.
- c) **Meetings of Council:**
 - i) placing a standing item about standards on the agenda of other meetings. This ensures that standards issues are regularly discussed and remain at the forefront of the Council;
 - ii) The chair of the Standards Committee or the Monitoring Officer could bring regular

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- updates on the Code and standards' issues to the full Council meeting;
- iii) **Joint meetings of the Standards Committee with other Committees or groups. This includes the Overview and Scrutiny Committee, Audit and Governance Committee. Many Standards Committees also hold regular meetings with their parish groups.**
- d) **Publications:**
 - i) **use of an intranet site;**
 - ii) **Standards Committees having their own section on the Council website and intranet, where news items, training materials, minutes and reports could be published;**
 - iii) **production of an annual report on the Standards Committee's work, to promote standards issues both internally and externally;**
 - iv) **conduct poster campaigns.**
- e) **Informing and engaging the public:**
 - i) **Conduct a survey of public perceptions to gain awareness of current understanding before starting to build up the Standards Committee's profile and, in turn, public confidence.**
- f) **Other ways of promoting standards:**
 - i) **self assessment and standards surveys;**
 - ii) **staging 'ethical awareness weeks', where standards issues are brought to the fore;**
 - iii) **contribute to inductions and training, and ensure that ethical standards are considered in relation to recruitment or performance appraisal procedures.**

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4. Standards Committees and Leadership:

- a) **the Chief Executive attend a Standards Committee meeting once a year to discuss ethical issues.**

27. CHAIR'S / MEMBERS' REPORTS

There were no additional reports from the Chair or other Members of the Committee.

28. PARISH COUNCIL REPORT (IF ANY)

There was no additional report from the Parish Council.

29. WORK PROGRAMME

Members considered the Committee's Work Programme for 2009/10.

RESOLVED that

that a Working Party be convened to formulate a questionnaire which will be sent to Members to canvass their opinion on what they require Standards Committee to do and where the Committee could be more active.

The Meeting commenced at 7.00 pm
and closed at 9.30 pm

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Chair

REDDITCH BOROUGH COUNCIL**STANDARDS
COMMITTEE****30th June 2010****MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This is the first report of the Monitoring Officer. It is proposed that a report of this nature will be presented to each meeting of the Standards Committee to advise the Committee on a number of items.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) the first report of the Monitoring Officer be noted and commented upon as appropriate; and**
- 2) a Monitoring Officer's report be submitted to each subsequent meeting of the Committee.**

3. BACKGROUND**Member Training**

- 3.1 As members are aware the Council has for sometime required elected Members who serve on Boards or Committees of the Council to undergo essential training elements to support and enhance their roles.

Members will also be aware that at the recent Borough Elections in May 2010, six new Councillors were elected to the Council.

It was therefore felt appropriate to update the Standards Committee in relation to the induction training being offered to new Members and the on going training programme that has been established to support Members throughout the municipal year.

- 3.2 All the new Members except one, who was unavoidably engaged on the evening in question, undertook initial an induction training session on 19th May, which covered, amongst other things, essential Code of Conduct training, sufficient to explain the basic needs covered by the Code before

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Members attend their first meetings. Further more detailed Standards and Ethics training will be offered to new and existing Members in due course and special arrangements are being drawn up to cover the one new Member who missed the induction session. All members of the Standards Committee have also been invited to attend Code of Conduct Refresher Training which is being run by external solicitors at Bromsgrove District Council on 21st June 2010.

- 3.3 Candidates' packs for the Local Elections all included a copy of the Council's Code of Conduct and details of the Induction night, so that their obligations would be understood before they were asked to sign up to the Code on election; and to get the training night into their diaries at the earliest possible opportunity.
- 3.4 The Member Development Programme routinely includes set sessions to cover Standards and Ethics in broad terms, as well as specific opportunities for Members appointed to Planning, Licensing, Quasi-Judicial and other 'specialised areas' (including of course the Standards Committee), to learn the specific requirements attached to those various responsibilities.

Standards for England Annual Return 2010

- 3.5 The Council was required to submit its Annual Return to Standards for England ("SfE) by Friday, 16th April 2010. The Return was duly completed and returned by this date. The Return is part of the process through which SfE collects information about the effectiveness of local standards arrangements. This information can result in SfE providing support and guidance to those authorities which are experiencing problems.
- 3.6 Members will note that there have been changes made to the questions from previous years which are included in this year's Annual Return. As with last year, the information provided by local authorities will feed into SfE's Annual Review and responses will be shared with the Audit Commission to help inform their organisational "Use of resources, Key Line of Enquiry" assessment.
- 3.7 A copy of the questions, responses and guidance is available from the Monitoring Officer if members would like to view this.

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Standards for England Regime

- 3.8 Members are advised that the Government has announced that there will be provisions in its proposed Decentralisation and Localism bill 'to abolish the Standards Board regime'.
- 3.9 As a result Standards for England is making changes to its planned events to reflect the new situation, and have written to the Council advising that the Annual Assembly due to take place at the International Convention Centre (ICC), Birmingham, on 18th and 19th October this year has been cancelled.
- 3.10 At this stage it is not anticipated that the draft bill will be published until the autumn, when it is expected to understand better the implications for local government, and know to what extent any local standards framework will be affected. Members will be advised of any further information received in this regard.

Member Investigations

- 3.11 Members are advised that the investigation into complaint reference 01/2010, which was referred to the Monitoring Officer for local investigation, is now nearing its conclusion and the Investigating Officer has indicated that the report will be submitted to the Monitoring Officer by the end of June 2010.
- 3.12 The Committee is asked to note that the details of only those complaints which have already been assessed by the relevant Assessment Sub-Committee are included in this report. Any complaints or other matters (for example, matters referred back to the Assessment Sub-Committee by the Monitoring Officer under Regulation 16 of the Standards Committee (England) Regulation 2008) which are currently awaiting assessment, or for which Assessment Sub-Committee decisions are in the process of being issued, are not included as the Subject Members concerned will not be aware that a complaint has been made against them until after the assessment stage.

4. KEY ISSUES

None

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5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

7. POLICY IMPLICATIONS

None

8. COUNCIL OBJECTIVES

This item does not link directly with any Council objectives

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY
CONSIDERATIONS**

The main risks associated with the details included in this report are:

- Risk of challenge to Council decisions; and
- Risk of complaints about elected Members.

10. CUSTOMER IMPLICATIONS

None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

None

17. HEALTH INEQUALITIES IMPLICATIONS

None

18. LESSONS LEARNT

None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No

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Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards

22. APPENDICES

None

23. BACKGROUND PAPERS

None

AUTHOR OF REPORT

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COMMITTEE**

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MEMBERS' PLANNING CODE OF GOOD PRACTICE

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To consider a revised Planning Code of Good Practice for adoption by the Council.

2. RECOMMENDATIONS**2.1 The Committee is asked to RESOLVE that**

subsequent to the Planning Committee suggesting substantive changes, the draft Code be further considered, prior to recommendation on to Council.

3. BACKGROUND

3.1 Earlier this year, the Local Government Association has produced guidance entitled "probity in planning: the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters".

3.2 The guidance states as follows in its foreword:

"Planning has a positive and proactive role to play at the heart of local government. It is a powerful tool that helps councils achieve the ambitions of local communities. Good planning stimulates growth and promotes innovation. It helps to translate goals for healthier communities, higher employment, better housing, reduced congestion, educational attainment, safe and sustainable communities into action through well-designed medical centres, offices, universities, homes, roads and other facilities vital to achieving them.

3.3 The planning system works best when the roles and responsibilities of the many players essential to its effective operation are clearly understood. It is vital that elected councillors and planning officers understand their roles and the context and constraints in which they operate.

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- 3.4 Planning decisions involve balancing:
- a) the needs and interests of individual constituents and the community, with
 - b) the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.
- 3.5 The challenge of achieving the balance between these dual roles led the LGA to issue its original Probity in planning guidance note in 1997. However, since then a comprehensive ethical framework for local government was introduced following the Local Government Act 2000. A revised national code of conduct for councillors was introduced in 2007. Each authority is required to adopt a local code of conduct that sets out rules governing the behaviour of its members.
- 3.6 This 2009 update provides refreshed advice on achieving this balance in the light of such changes. It also better reflects local authorities' roles as place shapers and the enhanced role for councillors as champions of their local communities. It recognises councillors' ability to participate in discussions prior to the receipt of a planning application on behalf of their communities, and engaging in spatial planning policy formulation.
- 3.7 It also advises on how to avoid predetermination or bias in decision making. Whilst the advice is designed primarily for officers It provides advice on this following the Killian Pretty review's recommendations and councillors involved in plan-making and development management, it will also assist scrutiny and standards committees dealing with planning matters.

4. KEY ISSUES

- 4.1 The LGA guidance "Probity in Planning" *identifies* the key issues as set out in the following paragraphs: A lot has changed in expectations of the planning system in recent years and planning is moving to the heart of local authorities' place-shaping and community planning roles.
- 4.2 Councillors are encouraged to act as champions of their local communities and this requires creative and wide engagement. The guidance from the LGA is intended to facilitate the development of councillors' community engagement roles.
- 4.3 The Nolan report resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. However in the place-shaping context, early councillor engagement is now positively encouraged

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to ensure sustainable development proposals can be harnessed to produce the settlements that communities need.

- 4.4 Planning decisions are not based on an exact science. Rather, they rely on informed judgement within a firm policy context. Decisions can be highly controversial as they affect the daily lives of everyone. This is heightened by the openness of the system (it actually invites public opinion before taking decisions) and the legal nature of the development plan and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 4.5 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not wellfounded in any way.
- 4.6 Bearing in mind all these factors, it is not surprising that, from time to time, things can go wrong unless councils are on their guard. This is why the guidance is essential. The intention of the guidance is not to suggest that there is one best way of doing things. Local circumstances may well provide good reasons for local variations of policy and practice. However, each council should review the way in which it conducts its planning business, holding in mind the recommendations of the guidance.
- 4.7 The guidance refers to the actions of a planning committee of an authority, as the main decision-making forum on planning matters. However, it is recognised that authorities have developed a range of alternative forms of decision-making: area committees; planning boards, and of course, the full council itself - as the final arbiter in planning matters. It is important to stress, therefore, that the advice in this guidance note applies equally to these alternative forms of decision-making arrangements. Indeed, it becomes very important if the full council is determining planning applications referred to it, or adopting local development documents, that councillors taking those decisions understand the importance of this guidance. The guidance also applies to councillor involvement in any planning enforcement.
- 4.8 The revised guidance note is useful to both councillors and officers who become involved in operating the planning system - it is not therefore

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restricted to professional town planners and planning committee members. The successful operation of the planning system relies on mutual trust and understanding of each other's role. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

Draft Code

- 4.9 The draft Planning Code of Good Practice at Appendix 1 has been drafted in response to the LGA's guidance, to enable Members to safely take the proactive role in place-shaping and community planning.
- 4.10 The draft Code covers a number of areas where Members and Councils can get themselves into difficulties, such as the declaration of interests, fettering of discretion, contact with applicants, developers and objectors, lobbying of and by Members, site visits and decision-making.
- 4.11 Many of the complaints about Members made to local authority Standards Committees or to Standards for England arise out of planning matters. Many of these relate to failure to disclose personal and prejudicial interests, but also to improper use of position and bullying. The adoption of the draft Code will help to ensure that Members are aware of what is appropriate in a planning context, to avoid the risk of the Council's decisions being held to be invalid or unlawful.
- 4.12 The Committee considered the draft Code in September 2009 and it was then submitted in turn to the Planning Committee. The Planning Committee wished to consider the draft Code in some depth and a session was organised at which Members might discuss proposed changes with Officers. The draft Code is now being submitted once again to the Standards Committee following a number of changes being recommended by the Planning Committee.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1 Part III of the Local Government Act 2000 established an ethical framework for the conduct of Members. Sections 51 and 52 of the Act placed a duty on Local Authorities to adopt a Code of Conduct for Members and a duty on Members to undertake to comply with the adopted Code of Conduct

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respectively. The current Code of Conduct came into effect on 3rd May 2007.

- 6.2 The Council has adopted a Planning Code of Practice and this has been in place for some time. However, the Code needs to be updated to take account of the changing role of Members in the planning process.

7. POLICY IMPLICATIONS

This will be a replacement and updated policy.

8. COUNCIL OBJECTIVES

Observance of the Code will contribute to the Council's "well-managed" objective

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 If the Members' Planning Code of Good Practice is not adopted, there is a risk that Members will not be enabled to take their full role in planning matters, thereby stifling the Council's role as a place-shaper. There is also the risk that Members may compromise the Council's planning and decision-making process due to being unclear about what is or is not appropriate.
- 9.2 There is a risk that if a Member fails to comply with the Council's Codes of Conduct, a complaint could be made against them to the Council's Standards Committee or, in the most serious cases, to the Standards Board for England. There are a range of sanctions that can be imposed, depending on the nature and severity of the breach. In the most serious cases, breach of the Code of Conduct could lead to imprisonment.

10. CUSTOMER IMPLICATIONS

Applicants should benefit from planning processed and decisions that are made in compliance with Codes of Good practice such as this one.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

There are no identified implications

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

There are no sustainability, environmental or climate change implications arising from this report.

14. HUMAN RESOURCES IMPLICATIONS

There are no identified implications.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

Good governance includes observance by members of Codes of Good Practice and will help ensure that their conduct and decisions are properly conducted.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

There are no identified implications

17. HEALTH INEQUALITIES IMPLICATIONS

None

18. LESSONS LEARNT

Planning is one of the most controversial areas for Member decision-making and clear guidance is required for Members involved in the planning process to prevent them from falling foul of the rules.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

The role of the Council in Planning matters is one of its significant points of engagement with the Community both in relation to processing Planning Applications and Enforcement.

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20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	
Executive Director (S151 Officer)	
Executive Director – Leisure, Cultural, Environmental and Community Services	
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	
Head of Service	Yes
Head of Resources	
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	

21. WARDS AFFECTED**No specific Wards****22. APPENDICES**

Appendix 1 – Draft Members’ Planning Code of Good Practice

23. BACKGROUND PAPERS

Probity in Planning - : the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters” (Local Government Association, 2009)
Model Member Planning Code of Good Practice (ACSeS)

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AUTHOR OF REPORT

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Members' Planning Code of Good Practice



Appendix 1

Background

The Planning Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and replaces the Council's former local code of conduct on planning matters.

This Code is as per the model adopted by the Association of Council Secretaries and Solicitors (ACSeS) and launched on the 14th February 2003. The drafting of the model code was subject to consultation and comment from a number of other local authorities through the machinery of the Association of Council Secretaries and Solicitors (ACSeS), the Standards Board for England, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers and land values. All this is heightened by the openness of the system and the legal nature of development plans and decision notices.

Consequently, with any application which has been refused or approved in the face of opposition, the decision may well be reviewed in any of the following ways. Any question of a procedural defect, impropriety or misconduct, whether warranted or not, may lead to an application for judicial review or a complaint of maladministration to the Local Government Ombudsman. Even if not taking such action, the aggrieved party may attempt to convince others that the decision was flawed. Of necessity, the planning process must not only be fair, it must be seen to be fair.

Introduction

The aim of this code of good practice: to ensure that, in the planning process, there are no grounds for suggesting that a decision **made at Planning Committee** has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members of Planning Committee at all times when involving themselves in the planning process. (This includes when taking part in Planning Committee meetings or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings and pre-application discussions). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

The successful operation of the planning system: relies on mutual trust and understanding of Member and Officer roles. It also relies on Members and Officers ensuring that they act in a way which is not only fair and impartial, but is clearly seen to be so.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer, Deputy Monitoring Officer or Democratic Services Officers, and preferably, well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, as there must always be compliance with these.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, a complaint being made to the Council's Standards Committee or, in case of serious breaches, a complaint being made to Standards for England (formerly the Standards Board for England).

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (*Use the disclosure form provided for disclosing interests.*)

Where your interest is personal and prejudicial:-

- **Do** then act accordingly.
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council as the Planning Authority.
 - **Don't** try to represent Ward views, get another Ward Member to do so instead.
 - **Don't** get involved in the processing of the application. **[NOTE not even under Protocol for Pre-Application Discussions where interest is personal AND prejudicial]**
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.
 - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest, to an appropriate Officer, in person or in writing, the **Members'** Code places limitations on you in representing the that proposal, that would not apply to a normal member of the public.
 - You may address the Planning Committee but only to make a presentation in the same manner that would apply to any normal member of the public. **after which** You must leave the room **at the conclusion of your presentation and before the meeting considers the proposal.** whilst the meeting considers it.
 - You may not remain to observe the meeting's considerations on it from the public gallery, **which the other speakers may do.**
 - In order to be able to address the Planning Committee on a proposal in which you have a personal and prejudicial interest, you must notify Planning Services of your wish to address the Committee in accordance with the Council's public speaking rules.
 - **Do employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Planning Committee.** notify the Monitoring Officer in writing and note that:
 - you should send the notification no later than submission of the application in which you have a personal and prejudicial interest, where you can;
 - the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers; and
 - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Planning Committee.
- **Do** seek advice from the Monitoring Officer or Democratic Services Officers if you are unsure about whether or not you have an interest which needs to be declared,

preferably in advance of the meeting at which the interest is likely to arise.

3. Fettering Discretion in the Planning Process.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the Officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as having acted as, ~~being~~ a chief advocate for the proposal.

(This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a Borough and County Councillor), provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.

Where you have Fettered your Discretion:-

- **Don't** speak and vote on a proposal where you have fettered your discretion (for example, where you have committed yourself to a particular view on a planning

issue prior to its consideration at Planning Committee). You do not ~~also~~ have to withdraw, but you may prefer to do so for the sake of appearances.

- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that your intention not to speak and vote and the reason why ~~this~~ may be recorded in the minutes. (*Use the Council's disclosure form for disclosing interests.*)
- **You may ~~Do~~** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (this is granted by the authority's standing orders or by the consent of the Chairman and Committee) where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you **have fettered your discretion but wish to exercise your right to speak as a Ward/Local Member,**
- **DO:**
 - advise the proper Officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- **Don't** agree to any ~~formal~~ meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a ~~formal~~ meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise a formal meeting. ~~it.~~

The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
 - follow the rules on lobbying;
 - ~~consider whether or not~~ It would be prudent in the circumstances to make notes when contacted; and
 - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- **Do** comply with the Council's Protocol on Pre-Application Discussions.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.
- **Don't** approach applicants, developers or agents with a view to securing changes to an application or achieving planning gain. Any such contact would normally be conducted by and through Officers and should always be reported to Planning Committee.

5. Lobbying of Councillors

“Lobbying”, which can be defined as an approach to a Councillor by an applicant, developer, objector or other third party, is considered an important part of the democratic process. The Nolan Report recognised the two roles that Councillors perform in the planning process, namely, the representation of public opinion and the determination of applications.

However, lobbying can, unless care and common sense are exercised by all parties, lead to the impartiality of a Councillor being called into question and the need for an interest to be declared. When being lobbied, all Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the application (“*predetermination*”) before they have considered all representations and the planning content. Councillors should not lobby other Councillors to act for them, or act as an agent for other Councillors, or put pressure on Officers for a particular recommendation.

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee’s decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing (predetermination).
- **Do** give procedural advice, such as recommending that those who are lobbying you should write to the Development Control Manager so that their views can be included in the Officer’s report to Planning Committee.

- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register of interests where its value is over £25 (in accordance with the Council's rules on gifts and hospitality).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do advise the sender** ~~note the contents of the correspondence and advise that it has been passed to Officers.~~
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through having:
 - Listened ~~ing~~ to or received ~~ing~~ viewpoints from residents or other interested parties;
 - Made ~~ing~~ comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - Sought ~~seeking~~ information through appropriate channels; or
 - Been ~~ing~~ a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the **Planning Committee** meeting or item and make it clear that, having expressed the opinion of ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian

Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting **or at all, nor** lobby any other Member to do so.
- Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

A formal site visit will often be helpful if the impact of the proposed development is difficult to visualise from plans and supporting information including photographs, or there is good reason why the comments of the applicant and objectors cannot be adequately expressed in writing.

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- ~~**Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information~~
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Development Control Manager and direct them to or inform the Officer present.
- **Don't** express opinions or views to anyone.
- **Do generally, view a site from the public perspective only.**
- **Don't** enter a site which is subject to a proposal other than as part of an official site

visit, even in response to an invitation, as this may give the impression of bias.
unless:

- ~~— you feel it is essential for you to visit the site other than through attending the official site visit,~~
- ~~— you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and~~
- ~~— you can ensure you will comply with these good practice rules on site visits.~~

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

~~Councillors and Officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate, while Officers are responsible to the Council as a whole. As a general rule, instructions will usually be given to Officers through a Council or Committee decision.~~

~~Staff must always act impartially. In order to ensure that senior Officers do so, the Local Government and Housing Act 1989 imposes restrictions on their outside activities. The Council will identify which of their Officers are subject to these restrictions. This list will be reviewed regularly. Staff paid on salary grade SO1 and above must also seek permission from their Manager to carry out any private work.~~

- **Don't** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those Officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do read Reports fully in preparation for Planning Committee Meetings.**
- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officers' delegated powers, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse. ~~but do make sure that you keep an open mind until all relevant information is to hand to avoid fettering your discretion.~~
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present from the outset of the item ~~to hear the entire debate, including the Officers' introduction. to the matter.~~
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- **Do** treat proposals for development of Council-owned land in the same way as those submitted by other persons.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- ~~**Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.~~

MEMBER'S DISCLOSURE OF INTEREST

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

MEMBER'S NAME:	
MEETING OF:	
DATE OF MEETING:	

❖ I disclose for the information of the meeting that I have a personal interest in _____

(1)

which will be the subject of consideration by the meeting.

THE NATURE OF THAT INTEREST IS (2)

AND (3) [Delete if not applicable] (4)

❖ The personal interest is a prejudicial interest and I shall withdraw from the chamber during deliberation of the item.

OR (4) [Delete if not applicable]

❖ The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not] [Delete as applicable] be also withdrawing from the chamber.

SIGNED:

Dated

❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE OFFICER DURING THE MEETING.

- (1) State details of the item (agenda item, planning application number, etc.)
- (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
- (3) State only if this is a prejudicial as well as a personal interest

A Member with a prejudicial interest in any matter must also:

- *withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting (or immediately after giving statements or evidence to where the Code and the Council's public participation rules permit it) unless s/he has obtained a dispensation from the Standards Committee;*
- *not exercise executive functions in relation to that matter; and*
- *not seek improperly to influence a decision about that matter.*

(4) State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

What matters are being discussed at the meeting?

Does the business relate to or is it likely to affect to any of your registered interests?

These will include

- persons who employ you, appointed you or paid your election expenses;
- your business, company ownership, contracts or land; or
- gifts or hospitality received (in the previous three years of this Code)

**STANDARDS
COMMITTEE**

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STANDARDS COMMITTEE WORK PROGRAMME 2010/11

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

TO BE ALLOCATED TO SUITABLE AVAILABLE DATES, DEPENDENT ON AGENDA

- Compulsory Code of Conduct Training for all Members
- CRB checks
- Revised Code of Conduct (when amended by legislation)
- Mock complaints training
- Training DVD on Code of Conduct
- Visit by Members from other authorities' Standards Committees (postponed in December 2010)
- Work Programme for 2010/11
- Canvass Member opinion on what Members are looking for Standards Committee to do/ any areas where Standards Committee should be more active.

