

# Planning Committee

No Direct Ward Relevance

30th March 2010

## MEMBERS' PLANNING CODE OF GOOD PRACTICE

(Report of the Deputy Monitoring Officer)

### 1. Summary of Proposals

To consider a revised draft Planning Code of Good Practice for adoption by the Council, amended after consideration by Members on 4th February 2010 and to refer it back to Standards Committee as required by the Resolution of this Committee on 3rd November 2009.

### 2. Recommendations

The Committee is asked to RESOLVE that

- 1) the Code of Conduct for Members in relation to Planning Matters, as set out in Appendix 1, be recommended for approval; and
- 2) referred back to the Standards Committee for its further consideration, prior to recommendation on to Council.

### 3. Financial, Legal, Policy, Risk and Climate Change / Carbon Management Implications

#### Financial

- 3.1 There are no financial implications arising from this report.

#### Legal & Policy

- 3.2 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 respectively. The current Code of Conduct came into effect on 3rd May 2007.
- 3.3 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.

## Risk

- 3.4 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.
- 3.5 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.

## Climate Change / Carbon Management

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

## Report

### **4. Background**

- 4.1 In 2009, the Local Government Association 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".
- 4.2 A draft Planning Code of Good Practice was drafted in response to the LGA's guidance, to enable Members to safely take the proactive role in place-shaping and community planning.
- 4.3 The Standards Committee considered the proposed Draft Code at its meeting on 30th September 2009 and referred the Code on to the Planning Committee for its consideration.
- 4.4 At a meeting on 4th February 2010, the Draft Code was considered by Members and a number of amendments were made to reflect the comments and queries of Members.
- 4.5 The previous Resolution of this Committee was that if substantial changes were made to the draft Code, that it would be referred back to the Standards Committee for consideration, prior to

recommendation on to Council for adoption.

## 5. **Key Issues**

- 5.1 The Revised Draft Code of Good Practice is attached at Appendix 1 and the key issue for Members to decide is whether they approve the Draft as amended and in that case, refer it back to the Standards Committee for its further consideration and ultimately referral to Council for adoption.

## 6. **Other Implications**

Asset Management	-	None identified.
Community Safety	-	None identified.
Health	-	None identified.
Human Resources	-	None identified.
Social Exclusion	-	None identified.
Environment / Sustainability	-	None identified.

## 7. **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.

## 8. **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)

## 9. **Consultation**

There has been no consultation carried out in preparing this report.

## 10. **Author of Report**

# Planning Committee

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The author of this report is Clare Flanagan (Deputy Monitoring Officer), who can be contacted on extension 3173 (e-mail: [clare.flanagan@redditchbc.gov.uk](mailto:clare.flanagan@redditchbc.gov.uk) ) for more information.

11. **Appendices**

- Appendix 1 - Draft Members' Planning Code of Good Practice