

Planning Committee
Thursday, 21 June 2018

REPORT TITLE:	Adoption of the Model Council Members' Planning Code
REPORT OF:	Director: Governance and Assurance (Monitoring Officer)

REPORT SUMMARY

This report is submitted to the Planning Committee seeking support for the recommendation of the Standards and Constitutional Oversight Committee that Council adopts the Model Council Members Planning Code which has been produced by Lawyers in Local Government (LLG). A copy of the Code is attached at Appendix 1 ("the Model Code").

RECOMMENDATION/S

That the Planning Committee supports the Standards and Constitutional Oversight Committee in recommending to Council that the Model Planning Code appended to this report is adopted and included within the Council Constitution.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

The Model Code provides best practice for members at all times when involving themselves in the planning process.

2.0 OTHER OPTIONS CONSIDERED

2.1 That the Model Code is not adopted.

2.2 It is recommended that the Model Code is adopted to ensure best practice in the planning process.

3.0 BACKGROUND INFORMATION

3.1 The Members' Planning Code of Good Practice was originally prepared in response to a series of successful challenges concerning themselves with local planning authorities and the Members' conduct or conflicts of interests. It replaced a number of individual and sometimes haphazard approaches in individual councils at the time.

3.2 The Model Code takes into account the Nolan Principles and commentary from the Committee on Standards in Public Life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

3.3 This Model Code applies to Members at all times when involving themselves in the planning process. The Model Code is simple in format and easy to understand and apply.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications associated with the adoption of the Model Code.

5.0 LEGAL IMPLICATIONS

5.1 The Council must act in accordance with the legislative requirements when dealing with planning matters and the Model Code provides best practice to ensure compliance. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date. Section 25 of the Localism Act, 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, whether the decision-maker had or appeared to have a closed mind (to any extent) when making the decision.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no resource implications associated with the adoption of the Model Code.

7.0 RELEVANT RISKS

- 7.1 Adopting the Model Planning Code of Conduct will minimise the risk within the planning process of suggestions being made that a decision has been biased, partial or not well founded in any way.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The drafting of the Model Code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman and the Planning Officers Society, supported by leading planning law firms and Queens Counsel.
- 8.2 The recommendation sets that this code / protocol be subject to the view of the Planning Committee before being referred to Council for approval. If necessary, the matter can be returned to the Standards and Constitutional Oversight Committee if further discussion is required.

9.0 EQUALITY IMPLICATIONS

- 9.1 The code and its implementation must adhere to equality and human rights legislation under the relevant Acts. The Code will ensure that these matters are addressed in making decisions and advising upon the approach to decision making in planning applications.

REPORT AUTHOR: Philip McCourt
Director of Governance and Assurance
telephone: (0151) 691 8569
email: philipmccourt@wirral.gov.uk

APPENDICES

Model Council Members Planning Code

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Standards and Constitutional Oversight Committee	12 June 2018