

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

REPORT SUMMARY

This report presents a recommendation of the Standards and Constitutional Oversight Committee meeting on 12 June 2018, supported by the Planning Committee, such that the 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 Council adopts the Model Council Members' Planning Code appended to this report and agrees to the inclusion of the Code in the Council Constitution.

That the Monitoring Officer be authorised to make such minor changes to the text of the Model Code that do not impact on the purpose or requirements of the Code as may be necessary for Constitutional purposes.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 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 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 of the Standards and Constitutional Oversight Committee for Council to adopt this Code was subject to the views of Planning Committee before referral to Council for approval. The support of the Planning Committee for the adoption of the Code was duly given at a meeting held on 21 June 2018.

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.

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APPENDICES

Model Council Members Planning Code

REFERENCE MATERIAL

None, other than that referenced in the body of the report.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Standards and Constitutional Oversight Committee, Minute 4 refers	12 June 2018
Planning Committee, Minute 24 refers	21 June 2018