

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
27 SEPTEMBER 2016	PUBLIC REPORT

Director(s) responsible:	Kim Sawyer, Director of Governance	
Contact Officer(s):	Ruth Lea, Senior Lawyer (Growth and Regeneration) Philippa Turvey, Senior Democratic Services Officer	Tel: 452615 Tel: 452460

ADOPTION OF THE MODEL COUNCIL MEMBERS’ PLANNING CODE

R E C O M M E N D A T I O N S	
FROM: Director of Governance	Deadline date: N/A
That Committee recommends to Council that the Model Planning Code appended to this report is adopted to replace the current code in the Constitution.	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Planning and Environmental Protection Committee to recommend that Council adopts the updated Model Council Members Planning Code which has been produced by Lawyers in Local Government (LLG) and published in April 2014. A copy of the Code is attached at Appendix 1 (“the Model Code”).

2. PURPOSE AND REASON FOR REPORT

2.1 Part 5 of Section 4 of the Council’s Constitution provides the current Code of Conduct for Members and Officers Dealing with Planning Proposals. This report asks Committee to consider replacing that code of conduct.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	12 OCTOBER 2016	Date for submission to Government Dept.	N/A

4. BACKGROUND

4.1 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.

4.2 The Model Code takes into account the update to 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.

4.3 This Model Code applies to Members at all times when involving themselves in the planning process.

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- 4.4 This Model Code is simpler in format and easier to understand and apply. It also takes account of changes in the law, particularly around pre-disposition and pre-determination.

5. CONSULTATION

- 5.1 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.

5. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that, following due process, Council will adopt to the Model Code, in turn ensuring that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way, and to ensure best practice at all times.

7. REASONS FOR RECOMMENDATIONS

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

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 That the Model Code is not adopted.
- 8.2 It is recommended that the Model Code is adopted to ensure best practice in the planning process.

9. IMPLICATIONS

Legal Implications

- 9.1 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.

Financial Implications

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

Cross-service Implications

- 9.3 The Model Code assists officers in the Planning, Governance and Legal Services to work with members within the planning process.

Equality Implications

- 9.4 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.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

ITEM 10(C) – FOR INFORMATION

- Part 5, Section 4 of the Council's Constitution

11. APPENDICES

- Appendix 1 - Model Council Members Planning Code

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