

Corporate Governance and Standards Committee Report

Ward(s) affected: All

Report of Joint Strategic Director: Transformation and Governance

Joint Strategic Director: Place

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## **Review of Probity in Planning Local Code of Practice Handbook for Councillors and Officers**

### **Executive Summary**

The Council last reviewed the Probity in Planning - Local Code of Practice Handbook in April 2019 (see Appendix 1). The Handbook forms part of the Council's Constitution and provides guidance for councillors and officers on their role and conduct in the planning process. The guidance includes how councillors and officers should manage contact with applicants, developers and objectors or supporters. The purpose of the guidance provided in the document is to ensure that decisions made in the planning process are not biased and are taken openly and transparently, and based on material planning considerations only.

As part of its ongoing work reviewing various aspects of the corporate governance of the Council, the Corporate Governance Task Group appointed by this Committee has conducted a thorough review of the Handbook.

The draft revised Handbook, as recommended by the Task Group, is attached as Appendix 2 to this report.

This report will also be referred to the Planning Committee for comments at its special meeting to be held on 7 February 2023, and comments from both Committees will be reported to the extraordinary meeting of the Council, scheduled for 22 February 2023.

### **Recommendation to the Committee:**

That the revised 'Probity in Planning Local Code of Practice Handbook for Councillors and Officers', attached as Appendix 2 to this report, be commended to the Planning Committee at its special meeting on 7 February 2023, and full Council on 22 February

2023 for adoption.

Reason for Recommendation:

To provide revised, up to date and fit for purpose Probity in Planning guidance to councillors and officers, together with other relevant information on the planning process at the Council in a helpful handbook.

**Is the report (or part of it) exempt from publication?** No

## **1. Purpose of Report**

- 1.1 The purpose of this report is to set out why the Probity in Planning – Local Code of Practice Handbook for Councillors has been reviewed, the process of the review and to highlight the changes that have been made. This report asks the Committee to commend the Handbook to full Council for adoption.

## **2. Strategic Priorities**

- 2.1 The Council, as the local planning authority, has a key role in local development, redevelopment and implementation of the Local Plan in line with legislation and the National Planning Policy Framework. The Council must ensure that councillors and officers are properly supported with fit for purpose guidance that can provide confidence in the decision-making process and reassurance to local residents and businesses. This is consistent with the following values in our Strategic Framework (2021-2025):

- We will listen to the views of residents and be open and accountable in our decision-making
- We will ensure that our councillors and staff uphold the highest standards of conduct.

## **3. Background**

- 3.1 Probity in Planning guidance is provided by all local authorities, and it normally sits within councils' constitutions. There is no statutory requirement to provide such codes of practice, but it is good practice to have accessible, up to date guidance available to all decision makers. The guidance should be read alongside the Councillors' Code of Conduct, the Code of Conduct for Staff and the Protocol on Councillor/Officer Relations.
- 3.2 The Council's Probity in Planning – Local Code of Practice Handbook was last reviewed and updated in 2019.
- 3.3 Arising from a number of concerns raised by councillors following the 2019 elections in relation to ethical standards, communications, and transparency, this Committee established a cross-party task group,

including a co-opted parish representative and an independent member of the Committee, with a wide remit to consider, review and make recommendations in respect of these, and other corporate governance related matters.

- 3.4 The Task Group commenced its review of the Handbook in June 2022, and this followed consideration of a proposed protocol for Informal Presentations to Councillors by third parties relating to Development. The protocol was considered and endorsed by the Committee at its meeting on 28 July 2022. The Committee agreed that the protocol should be appended to the revised Probity in Planning Handbook. This is attached as Annex 2 to the revised Handbook.
- 3.5 During its consideration of the review of the Handbook, the Task Group invited to its meetings the Chairman and Vice-Chairman of the Planning Committee, together with the then Head of Place and, latterly, the new interim Executive Head of Planning Development for the purpose of providing advice and guidance on key elements of the Handbook.
- 3.6 It was noted during the review that certain matters referred to in the Handbook were also part of a separate review being conducted by the Planning Committee Review Working Group which had been established by the Executive to consider the recommendations of the LGA Peer Review. These matters were the call-up process for referral of applications to Planning Committee by councillors, and the member overturn process. Whilst there was general agreement by the Task Group on many aspects of the review of the Handbook, it is acknowledged that there were differences of opinion on particular matters such as the call-up process.
- 3.7 The revised Handbook will be a useful tool for all councillors, particularly those newly elected following the Borough Council elections in May, especially those who are appointed to the Planning Committee. A copy of the draft revised 'Handbook' is attached as Appendix 2 to this report.

#### **4. Consultations**

- 4.1 The Interim Joint Executive Head of Planning Development, the Senior Planning Solicitor and the Monitoring Officer have reviewed this draft version.
- 4.2 As stated above, the 'Handbook' will be an essential tool for all councillors, but as it is directly relevant to the planning process and the operation of the Planning Committee, it was considered appropriate that that Committee is afforded the opportunity of being consulted on it. Any comments arising from the Planning Committee's consideration of the report at its special meeting on 7 February, will be reported to the full Council for adoption at its extraordinary meeting, on 22 February.

## **5. Equality and Diversity Implications**

5.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.

5.2 There are no equality and diversity implications arising from this report

## **6. Financial Implications**

6.1 There are no immediate financial implications arising from this report; however, it is of vital importance that councillors and officers operate under the guidance issued in the Planning in Probity document so as not to expose the Council to awards of costs resulting from poor decision-making.

## **7. Legal Implications**

7.1 The legal implications are set out in the draft Handbook.

## **8. Human Resource Implications**

8.1 There are no human resource implications arising from this report

## **9. Climate Change/Sustainability Implications**

9.1 There are no climate change/sustainability implications arising from this report.

## **10. Summary of Options**

10.1 The Committee may recommend that the existing Probity in Planning – Local Code of Practice Handbook be retained if councillors consider it remains fit for purpose.

10.2 The Committee may submit the matter back to officers, or the Task Group, for further revision if it considers it is still not fit for purpose after the recent review.

10.3 The Committee may commend the Probity in Planning Councillors' Handbook' to the Planning Committee, and full Council for adoption.

## **11. Background Papers**

None

## **12. Appendices**

Appendix 1: Current Probity in Planning – Local Code of Practice Handbook for Councillors

Appendix 2: Proposed Probity in Planning – Local Code of Practice Handbook for Councillors and Officers