



CORPORATE GOVERNANCE COMMITTEE
- 17 FEBRUARY 2017

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE
REVISED MEMBERS' PLANNING CODE OF GOOD PRACTICE

Purpose of the Report

1. The purpose of this report is to present a revised Members' Planning Code of Good Practice (the Planning Code) for consideration prior to it being submitted to the County Council on 22 March 2017 for approval. A copy of the proposed document is appended to this report.

Background

2. In 2010 the Council adopted the current Planning Code. It was based on a model originally produced by the Association of Council Secretaries and Solicitors (now the LLG (Lawyers in Local Government)) which was prepared following the introduction of the new ethical framework and consultation with the Local Government Association (LGA), the Local Government Ombudsman, and firms of solicitors and Counsel acting on their behalf.
3. The Planning Code is now somewhat out of date and so has been reviewed to take account of changes in legislation and more recent guidance.
4. The amendments incorporate some changes introduced by the Localism Act 2011 relating to declarations of interest and changes in approach to issues such as predetermination.
5. As part of the review, account has been taken of the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013, the updated Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on Standards in Public Life, and revised guidance titled 'Probity in Planning' issued by the LGA and the Planning Advisory Services.

Revision of the Members' Planning Code of Good Practice

6. The aim of the Planning Code was and continues to be to ensure 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 that the Council is not likely to be at risk of any legal challenge or suggestions of maladministration following its consideration of planning applications.

7. The Planning Code continues to be drafted so that it is accessible to members, officers and the public. It is intended to guide elected members dealing with all planning matters, including planning applications and planning policy and guidance issues. It explains how members can be involved in the planning process in a fair impartial and transparent way.
8. The Planning Code continues to cover the following areas:
 1. Relationship to the Members' Code of Conduct
 2. Development proposals and interests under the Members' Code of Conduct
 3. Predetermination in the Planning Process
 4. Contact with Applicants, Developers and Objectors
 5. Lobbying
 6. Site Visits
 7. Pre-Meetings
 8. Public Speaking at meetings
 9. Officers
 10. Decision Making
 11. Members Awareness.
9. The key areas of change relate to sections 2 and 3, which have now been brought into line with the Members' Code of Conduct (Part 5A of the Constitution) with references to 'disclosable pecuniary interests' and 'personal interests leading to bias'.
10. The revisions also take account of the changed approach with regard to 'predisposition'; that is, members expressing views on a planning matter prior to its determination. It is more generally accepted that members will often wish to express views and in fact are often expected to do so. Subject to the caveats given in the revised Planning Code, members are no longer strongly dissuaded from doing this.
11. The Committee is asked to comment on the content and on the language / accessibility of the revised document and to agree that it is recommended for approval by the County Council in accordance with Article 15.02 of the Constitution. It is also intended to submit the revised Planning Code to the Development Control and Regulatory Board on 9th March for comment.
12. Further planning training has been arranged for all members on 23 May following the County Council elections and the revised Planning Code, along with the Member Code of Conduct, will form the basis for this.

Recommendations

13. The Committee is recommended to -
 - (a) Note that the revised Planning Code of Good Practice will be considered by the Development Control and Regulatory Board on 9 March;

- (b) Agree that the County Council be recommended to adopt the revised Planning Code of Good Practice as appended to this report, subject to the Chief Executive being authorised to make any changes including those arising from its consideration by the Committee and the Development Control and Regulatory Board.

Equality and Human Rights Implications

14. There are no equality or human rights implications arising from the recommendations in this report.

Circulation Under the Local Issues Alert Procedure

15. None.

Background Papers

Constitution of Leicestershire County Council - Part 5, Member Code of Conduct
'Probity in Planning' - LGA and Planning Advisory Services
'Openness and Transparency on Personal Interests' - Department for Communities and Local Government (2013)

Appendix

Draft Revised Members' Planning Code of Good Practice

Officers to Contact

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