

## **REPORT OF THE CORPORATE GOVERNANCE COMMITTEE**

### **A. REVIEW OF THE MEMBERS' PLANNING CODE OF GOOD PRACTICE**

#### **Introduction**

1. This report concerns changes to the Members' Planning Code of Good Practice (the Planning Code).

#### **Background**

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or the Corporate Governance Committee.
3. 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.
4. The Planning Code is now somewhat out of date and so has been reviewed to take account of changes in legislation and more recent guidance.

#### **Revision of the Members' Planning Code of Good Practice**

5. 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.
6. 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.
7. 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.
8. 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.

9. 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.
  
10. 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'.
  
11. 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.

### **Decision of the Corporate Governance Committee**

12. The Corporate Governance Committee at its meeting on 17<sup>th</sup> February agreed the Code subject to an amendment to section 4 - Presentations by Applicants/Developers - in order to make a distinction between events which were held for the general public and those to which members might be invited as individuals and/or as part of a select group because of their County Council role. The amendment is reflected in the new Code now appended to this report.

### **Consideration by the Development Control and Regulatory Board**

13. The Development Control and Regulatory Board at its meeting on 9<sup>th</sup> March endorsed the new Code subject to minor changes being made regarding the role of planning and to include reference to the fact that the Code applied not only to the Board but also to the Council and Cabinet when consideration is being given to Development and Local Plans. The Code appended to this report now reflects these changes.

**(Motion to be moved:-**

**That the revised Members' Planning Code of Good Practice as set out in Appendix A to the report of the Corporate Governance Committee, be approved.)**

**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)

Reports on the changes to the Planning Code of Conduct submitted to the:-

- Corporate Governance Committee on 17<sup>th</sup> February 2017
- Development Control and Regulatory Board on March 2017.

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