



DEVELOPMENT CONTROL AND REGULATORY BOARD

13 OCTOBER 2022

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 7th December 2022 for approval. A copy of the proposed document is appended to this report.

Background

2. In 2010 the Council adopted a 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. In 2017 the Planning Code was reviewed to take account of changes in legislation and guidance including changes introduced by the Localism Act 2011 relating to declarations of interest and changes in approach to issues such as predetermination. The updated Planning Code was considered by the Corporate Governance Committee and the Development Control and Regulatory Board in February and March 2017 respectively. It was subsequently approved by the County Council on 22 March 2017.
4. At the County Council meeting on 1 December 2021 a revised Members' Code of Conduct was approved. This was based on a new draft model Code of Conduct which had been produced by the LGA following a report by the Committee on Standards in Public Life which made various recommendations to strengthen the code. Minor revisions were made to the LGA Model Code to reflect local issues, creating a locally amended Model Code. The most significant changes to the Code related to declaring interests and the categories of interest were renamed as:
 - Registrable interests:
 - Disclosable Pecuniary Interests;
 - Other registrable interests;

- Non-registrable interests.

Revision of the Members' Planning Code of Good Practice

5. The Members' Planning Code of Good Practice requires updating in line with the Members' Code of Conduct and particularly the changes with regards to registering interests. A proposed new version of the Code is attached as an appendix to this report. Reference to 'personal interests that lead to bias' has been removed and replaced with Registrable interests and Non-Registrable interests. As the paragraph numbering of the Members' Code of Conduct was changed in December 2021, where the Planning Code of Good Practice refers to specific paragraphs of the Members Code of Conduct the numbering has now been updated.
6. The Predetermination in the Planning Process section has also been amended to give greater clarity to the difference between predetermination and predisposition and where the guidance applies to members when they are sitting on the Board as opposed to acting as a member in another capacity.

Corporate Governance Committee

7. The revised Planning Code will be considered by the Corporate Governance Committee at its meeting on 21st November 2022 and will require approval from County Council.

Recommendations

8. The Board is recommended to 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 Board.

Equality and Human Rights Implications

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

Circulation Under the Local Issues Alert Procedure

10. None.

Background Papers

Constitution of Leicestershire County Council - Part 5A, Members' Code of Conduct
<https://politics.leics.gov.uk/documents/s170783/Part5A%20Members%20Code%20of%20Conduct.pdf>

Constitution of Leicestershire County Council – Part 5A1 Members' Planning Code
<https://politics.leics.gov.uk/documents/s166898/Part5A1%20Members%20Planning%20Code.pdf>

Report to the Corporate Governance Committee on 17th February 2017 - 'Revised Members' Planning Code of Good Practice',
<https://politics.leics.gov.uk/documents/s126495/Planning%20Code%20Good%20Practice%20report.pdf>

Report to the Development Control and Regulatory Board on 9th March 2017 - Revised Members' Planning Code of Good Practice',
<https://politics.leics.gov.uk/documents/s127080/Planning%20Code%20Good%20Practice%20report%20DCRBmarch2017.pdf>

Report to County Council on 22 March 2017 - Revised Members' Planning Code of Good Practice',
<https://politics.leics.gov.uk/documents/s127461/REPORT%20OF%20THE%20CORPORATE%20GOVERNANCE%20COMMITTEE%20A.pdf>

Appendix

Draft Revised Members' Planning Code of Good Practice 2022

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