

# **STANDARDS COMMITTEE - 4<sup>th</sup> APRIL 2005**

## **PLANNING CODE OF PRACTICE**

### **REPORT OF THE MONITORING OFFICER**

#### **1. PURPOSE**

- 1.1. To report a breach of paragraph 2.8 of the Code of Practice for Members and Officers dealing with planning matters.

#### **2. BACKGROUND**

- 2.1. The Council has previously approved a Code of Practice for Members and Officers dealing with planning matters. The Code is included in Part 6 of the Council's Constitution and is set out in full at pages 75 – 91 of the Council diary/organiser for 2004/5.

Paragraph 2.8 of the Code deals with situations where an elected member submits a planning application to the Council. In such circumstances the elected member must inform me, as the Monitoring Officer, at the time of the submission of the application to enable me in turn to advise the Director of the Urban Environment. The application will subsequently be determined by the Development Control Committee and not by an officer under delegated powers. In addition, the report to the Development Control Committee on the application must include confirmation by the Monitoring Officer that the matter has been processed in accordance with specified procedures.

- 2.2. Paragraph 2.8 applies whether the elected member submitted the application in their own right or through a third person or agent acting on their behalf.
- 2.3. In February 2005 it was brought to my attention that an elected member, acting through an agent, had submitted a planning application for an extension to their property, without notifying me under paragraph 2.8. As a result, the application, which was not controversial, was determined by an officer under delegated powers when it should have been determined by the Development Control Committee.
- 2.4. Although this is a contravention of paragraph 2.8 it is not a breach of the Members Code of Conduct and, therefore, is not reportable to the Standards Board for England.
- 2.5. I have sought an explanation from the member concerned who states that they were unaware of the requirements of paragraph 2.8 and have apologised for failing to notify me of the application.

- 2.6. As a result of this incident, I have written to every member of the Council to make them aware of this requirement (Appendix 1).
- 2.7. In this particular case, in view of the fact that the member has apologised and there were no objections to the application, members may feel that no further action is required.

### **3. PROPOSAL**

- 3.1. It is proposed that this report be noted and that no further action be taken.

### **4. FINANCE**

- 4.1. There are no financial implications arising from this report.

### **5. LAW**

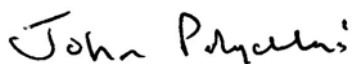
- 5.1. Under Section 37 of the Local Government Act 2000 the Council is required to have a written Constitution.

### **6. EQUAL OPPORTUNITIES**

- 6.1. This report complies fully with the Council's policies on equal opportunities and diversity.

### **7. RECOMMENDATION**

- 7.1. It is recommended that this report be noted and that no further action be taken.



JOHN POLYCHRONAKIS  
Monitoring Officer

Contact Officers: John Polychronakis, (01384) 815300.

## **BACKGROUND PAPERS**

1. Code of Practice for Members and Officers dealing with planning matters.

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Our ref: JP/RG

Mr. Polychronakis

14<sup>th</sup> February 2005

01384 815300

Dear Member

## **Personal Planning Applications**

As you know, the Council has a Code of Practice for Members and Officers dealing with planning matters. This is contained within Part 6 of the Council's Constitution and a hard copy can be found at pages 75 – 91 of the Council diary/organiser for 2004/5.

I must draw you particular attention to paragraph 2.8 of the Code which makes it clear that any member who submits a planning application on their own behalf must notify me as the Monitoring Officer about the submission, to enable me to advise the Director of the Urban Environment.

Such applications will always be reported to, and determined by, the Development Control Committee and will not be dealt with by officers under delegated powers.

The report to the Development Control Committee will include confirmation by me that the matter has been processed in accordance with the specified procedures.

Paragraph 2.8 applies whether the application is submitted by you personally or by a third party or agent acting on your behalf.

If a member does not comply with the procedures set out in paragraph 2.8, this will be reported to the Council's Standards Committee and, if it also amounts to a breach of the Members' Code of Conduct, the matter will also be reported to the Standards Board for England.

I am confident that all members will be vigilant in following the correct procedures and will want to ensure that we continue to maintain high standards of conduct within the Council.

Yours sincerely

Director of Law and Property

To: All Members of the Council, The Chief Executive, All Directors, Philip Tart, Keith Edwards, Steve Woodall, Steve Griffiths, Gail Breakwell, Helen Brookes-Martin, Sue Holmyard.