

Development Control Committee – 6th January 2014

Report of the Director of the Urban Environment

Adoption of the Members and Officers Code of Conduct – Planning Matters

Purpose of Report

1. To inform Members of the amended Code of Conduct prior to its consideration at Cabinet on 12th February 2014.

Background

2. The Council introduced its written Constitution in May 2002. Section 37 of the Local Government Act 2000 requires the Council to keep the Constitution up to date. This is reflected in Article 15, which requires the Monitoring Officer to monitor and review the operation of the Constitution in order to ensure that the aims and principle are given full effect. Full Council is responsible for approving changes to the Constitution after consultation with the Cabinet.
3. The Constitution is an important vehicle by which the Council promotes its overall democratic governance arrangements. An annual review of the Constitution was undertaken in November 2012 and again in October 2013. All previously approved amendments have been fully implemented. Amendments are routinely made to update legal provisions and reflect ongoing operational issues.
4. This report takes account of ongoing changes in the national and local context and it is recognised that further amendments to the Constitution may be necessary during 2013/14 and beyond.
5. At the meeting of Cabinet on 30th October 2013 it was reported that the Member and Officers Code of Conduct Planning Matters, as set out in Part 6 of the Constitution, was undergoing a detailed review to update the guide to reflect recent changes resulting from the Localism Act and to bring it in line with best practice nationally. The opportunity has also been taken to make changes to clarify and refine certain procedures as a result of practical issues encountered over the last year. The review is now completed and has taken into account the changes to the Members and Officers Code of Conduct Planning Matters, at part 6 within the constitution the rules on the declaration of interests and various other aspects associated with the development control process.
6. The main development control changes include:-
 - Changes to public speaking to allow a maximum of two Ward Members to speak (one in support and one in objection).

- Clarity in respect to attendance at informal and formal site visits and where a formal visit is not attended by a member removal of the ability to vote when the matter is finally considered.
 - Clarity on declarations of interests following the Localism Act (2011) changes.
7. A copy of the amended Members and Officers Code of Conduct Planning Matters is available to view on the Committee Information Management System.

Finance

8. There are no financial implications arising from this report. Any costs arising from compliance with the Constitution are met from existing budgets.

Law

9. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date.
10. Section 25 of the Localism Act, 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, whether the decision-maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

Equality Impact

11. This report complies with the Council's policies on equality and diversity and there are no particular implications for children and young people.

Recommendation

12. It is recommended that:-

(1) That Members of the Development Control Committee note the amendments to the Members and Officers Code of Conduct - Planning Matters to be considered by Cabinet as part of the constitution of the Council.



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List of Background Papers:

- A. The Members Code of Good Practice.