

## **Meeting of the Council – 24<sup>th</sup> February, 2014**

### **Report of the Cabinet**

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

#### **Purpose of Report**

1. To consider the proposals of the Cabinet regarding an amended Members and Officers Code of Conduct - Planning Matters.

#### **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 principles 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 30<sup>th</sup> October 2013 it was reported that the Members 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 2011 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. The matter was reported to the Development Control Committee on 6<sup>th</sup> January 2014.

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 of 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. On consideration of the information contained in this report, the Cabinet, at its meeting held on 12<sup>th</sup> February, 2014, resolved to recommend approval of the proposed amended Members and Officers Code of Conduct - Planning Matters, which is available to view in full on the Committee Information Management System on the Council's internet site.

### **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. That the proposed amended Members and Officers Code of Conduct - Planning Matters, be approved.



.....  
**Leader of the Council**