

# Agenda Item 9

Standards Committee

3 November 2009

DM



## Probity in Planning

### Summary

The Probity in Planning guidance notes have been circulated to all members of the Council, and are due to be considered by Development Management Committee and the Council this quarter. The guidance forms part of the ethical framework for local government and is an important document in helping councillors balance the needs and interests of individual constituents, and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

### Recommendation

**Members of Committee to consider the Probity in Planning guidance notes and related protocols which are due to be agreed by Council by December.**

#### a) Reasons for Recommendation

Standards Committee members have the chance to contribute to the Council debate on this issue.

#### b) Alternative Options

Standards Committee members decide not to prioritise this piece of work for their attention.

#### c) Risk Considerations

Adopting good practice guidance and protocols mitigates against the risks of mishandling planning decisions.

#### d) Policy and Budgetary Considerations

These papers are in the process of going through the committee cycle and being adopted by Council.

#### e) Date for Review of Decision

Members may wish to come back to the guidelines at a future date if complaints over the coming year suggest the need.

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### 1. Main Body of the Report

- 1.1. I have attached at Appendix A the Local Government Association 'Probity in Planning' document. It provides advice on achieving the balance between the dual roles of:
- The needs and interests of individual constituents and the community, with
  - The need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

- 1.2. Section 4 in the guidance explores the issue of interests under the Code of Conduct and also the concepts of predetermination, predisposition and bias in decision-making. These are important issues to understand and promote in order to ensure Development Management Committee members make, and are seen to make by the public, sound and fair decisions. In this way, we can hope to limit the potential for complaints from members of the public.
- 1.3. Appendix B includes the related protocols developed in-house by the Planning Service (one of them is not included as it has not been finalised yet but will be in the final papers going to Development Management Committee). These protocols build on the guidance in the paper and outline specific steps and constraints that apply to various parts of the planning process. They will be considered by Members in this quarter's committee cycle.
- 1.4. These documents are timely as they support the training we organised for Development Management Committee in October. They also complement the work we have been doing to support the Committee through a recent spate of highly contentious applications and public complaints. The complaints are both Code of Conduct related as well as procedural.
- 1.5. Appendix C shows the investigatory report into the 14 July 2009 Development Management Committee's consideration of the James Barn planning application (09/0137/FUL). This was sent to 16 complainants. In addition, the Assessment Sub Committee also recommended "other action" (training) in the case of one Development Management Committee member involved with this application.
- 1.6. Appendix D includes a letter from a resident, who has requested this Committee sees his complaint, complaining about the Development Management Committee's handling of the Longboat Cafe planning application. Although, we have not replied in full to this letter yet, I have included a copy of a full response to another resident who has raised similar issues.

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### Legal Implications

Protocols and guidance are helpful to members and officers in leading and supporting ethical conduct and lawful decision-making. However, the issues and material considerations that should be taken into account vary on a case by case basis, and the training and development members receive is intended to help them focus on these issues.

### Financial Implications

There are no apparent financial implications.

### Consultation on Reports to the Executive

As outlined in the report, the Appendices for these papers will be discussed at Development Management Committee before going to Council.

### Background Papers

- Probity in Planning (including the references to other documents on p27 of the guidance)
- Development Management Service protocols

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