

Standards Committee – 9 June 2009

Minutes of the meeting of the **Standards Committee** held on **9 June 2009** when there were present:-

Chairman: Mr D J Cottis (Independent Member)
Vice-Chairman: Cllr D Merrick

Cllr C I Black
Cllr P A Capon

Cllr Mrs H L A Glynn
Cllr M J Steptoe

INDEPENDENT MEMBERS

Mr M G Drage
Mr S Shadbolt
Mrs L Walker

PARISH MEMBERS

Cllr P A Beckers
Cllr Mrs L A Vingoe

APOLOGIES FOR ABSENCE

Apologies for absence were received from Parish Cllr Mrs D Constable.

OFFICERS PRESENT

R J Honey - Corporate Director (Internal Services)
S Fowler - Head of Information and Customer Services
M Power - Committee Administrator

129 APPOINTMENT OF CHAIRMAN FOR ENSUING YEAR

Mr D J Cottis was appointed Chairman of the Standards Committee for the ensuing year.

130 MINUTES

The Minutes of the meeting held on 2 April 2009 were approved as a correct record and signed by the Chairman.

Mr Shadbolt wished it to be recorded that he objected to the appointment of Vice-Chairman of the Committee being made by Council and requested instead that the Committee nominates the Vice Chairman. Officers advised that, although it was a requirement that the Chairman of the Standards Committee be an Independent Member, the appointment of Vice-Chairman and other District Council Members of the Standards Committee was made by Full Council, as was the case for all Committees of the Council. The exception to this was Area Committees, where Vice-Chairmen were decided by a ballot of Committee Members at first meetings. It was noted that, if the

Independent Chairman was unable to attend a meeting, another Independent Member would take the Chair.

The Corporate Director (Internal Services) would advise the Leader of the Council of the concern expressed by the Independent Member.

131 COMPOSITION OF STANDARDS COMMITTEE SUB-COMMITTEES – DISTRICT COUNCIL MEMBERSHIP

The membership of the three Sub-Committees of the Standards Committee formed to assess, review and hear complaints on a rota basis, chaired by an Independent Member, would remain the same as last year, with the exception of the replacement of Cllr J Thomass by Cllr Mrs H L A Glynn in Group B.

Resolved

That the membership of the Sub-Committees of the Standards Committee be noted and accepted. (CD(IS))

132 DETERMINATION OF MEMBERS TO ATTEND THE 2009 ANNUAL ASSEMBLY

It had been previously agreed that two Members (one Councillor and one Independent Member) should attend the 2009 Annual Assembly of Standards Committees. It was confirmed that Mr M G Drage and Cllr D Merrick would attend.

Resolved

That the attendees at the 2009 Annual Assembly of Standards Committees be noted. (CD(IS))

133 PROPOSED AMENDMENTS TO THE CODE OF CONDUCT FOR PLANNING MATTERS

Members considered the report of the Head of Legal Services relating to proposed amendments to the Code of Conduct for Planning Matters.

The Corporate Director (Internal Services) drew the Committee's attention to a Local Government Association (LGA) paper entitled 'Probity in Planning: the role of Councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters', which had been received after distribution of the agenda. Although the majority of issues raised in the guidance note had been included in the amended Code of Conduct, there were some additional items that could be added and these were outlined to the Committee during the course of discussion of the item.

During discussion the following points were raised:-

- Page 9.4 (1.1) should be amended to read, 'Members' conduct is governed by statute and the Code of Conduct for Members'.

- Page 9.7. A further paragraph (5.4) should be added: 'Members must not put improper pressure on officers for a particular recommendation and should not do anything that compromises, or is likely to compromise, officers' impartiality.'
- Page 9.7 (6.1 – second paragraph) should be amended as follows as it was felt that Members should not be obliged to pass on all lobbying material they receive: 'Members should consider whether it is appropriate to copy and pass on any lobbying material, such as correspondence or leaflets they receive, to the Head of Planning and Transportation'.
- Page 9.7 (6.1) – a new paragraph should be added: 'No political group meeting should be used to decide how Councillors should vote.'
- Page 9.7 (6.1 – fourth paragraph) should be amended: 'Members should avoid accepting gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, Members should register the details of any gift or hospitality. This interest must be declared where relevant for the next 3 years'.
- Page 9.7 (6.1 - fifth paragraph): the word 'remember' should be deleted from the sentence so that it reads 'Members should tell the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).'
- Members discussed the option of including a call-in procedure, as outlined in the guidance notes, that would require the reasons for call-in of items on the 'Weekly List' under the delegated authority for determination by the Development Control Committee to be expressed in writing and refer solely to matters of material planning concern. Members felt it was preferable that Members had the opportunity to discuss reasons for calling in delegated decisions with officers in the public arena to give Ward Councillors the opportunity of putting forward the views of their constituents.
- Page 9.8 (6.4). Members expressed concern regarding the wording suggested and wished it to be amended to read: 'Where a Member agrees to a formal meeting with applicants, developers or groups of objectors because they feel that a formal meeting would be useful in clarifying the issues, where appropriate, they should request the Head of Planning and Transportation to organise it. When any meeting takes place Members should ensure that those present are advised from the start that the discussions will not bind the Authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee'.

The above wording would allow Councillors to continue to be champions

of the community and meet with members of the public who want to discuss their concerns on planning issues. It was recognised that a commonsense approach should be adopted in deciding the level of formality.

- Page 9.10 (8.1). A further paragraph should be added as follows: 'Site visits should only be used where the expected benefit is substantial; officers will have visited the site and identified material considerations on behalf of the Council. A site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers; or there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious'.
- Paragraphs 8.1-8.3 should be renumbered 8.2-8.4 respectively.
- Page 9.10 (10.2). The final sentence should be amended to read: 'Gifts or invitations exceeding £25 must always be reported to the Monitoring Officer of the Council'.
- A further item (10.3) should be added: 'Any attempt at bribery must be reported to the Monitoring Officer of the Council'.
- In response to reference in the LGA guidance to the report of the Audit Commission "Building in Quality" recommendation that 'Councillors should revisit a sample of implemented planning decisions to assess the quality of the decisions', it was agreed that this could be included in the Council's annual Tour of the District for Members.

Recommended to Council

That the Council adopts the 'Code of Good Practice for Planning Matters' set out in the appendix to the report, subject to the amendments outlined above. (HLS)

134 MANDATORY TRAINING - DISPENSATION

(Note: Cllr P A Capon declared a personal interest in this item due to his being Vice-Chairman of the Development Control Committee)

The Committee considered the report of the Head of Information and Customer Services on applications for dispensation in respect of mandatory training requirements.

Five applications for dispensation from Development Control training had been received. Detail on the applicants and the discussion is set out in the exempt appendix to this Minute.

It was agreed that Councillors wishing to apply for dispensation from future mandatory training should make written representations to the Committee.

Resolved

That the requests for dispensation from the Members identified in the exempt appendix to the Minutes be turned down and that the Members concerned be suspended from membership of the Development Control Committee until they have completed the next available course of planning-related training. (HICS)

135 RECORD OF ATTENDANCE AT COMMITTEE MEETINGS 2008/09

The Committee received the report of the Head of Information and Customer Services relating to Members' attendance at meetings during 2008/09.

It was noted that, following the recent organisational restructuring of the Council, Councillor workloads were likely to be less centred around Committee meetings.

The option of discontinuing the publishing of the attendance figures in this way and reporting them into the Standards Committee was discussed. It was noted that, in any event, the information was in the public domain and could be requested by Councillors or members of the public.

It was suggested that an additional column be added to the report to include information on Members suffering from long-term or serious illness, for inclusion at the Member's discretion.

It was requested that officers provide information on how other Councils monitor and report attendance figures at the next meeting of the Committee.

Resolved

That information is provided for the next meeting on how other Councils monitor and report figures relating to Members' attendance at Committee meetings. (HICS)

The meeting closed at 10.07 pm.

Chairman

Date

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