

## Standards Committee

25 June 2013

### Probity in Planning - New Guidance issued by the Local Government Association



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## Report of Colette Longbottom, Head of Legal and Democratic Services Monitoring Officer

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### Purpose of the Report

1. To inform members of Guidance recently published by the Local Government Association relating to Probity in Planning.

### Background

2. The Council's Constitution includes a section entitled Code of Practice for Members and Officers dealing with Planning Matters. The Code was largely based upon the Local Government Association's Guidance Note of Good Practice issued in 2002. This latest Guidance supersedes that publication. I have therefore reviewed the Council's current Code of Practice to identify whether any changes are required as a result of the new Guidance.
3. The Guidance on the conduct of work as agents for individuals pursuing planning matters within the Authority area has been strengthened and recommends that officers and serving Councillors should not act as agents even if they are not involved in the decision making process. Paragraph 3.6 of our current Code implies that members would not be restricted from acting professionally as agents for persons pursuing planning matters within Durham provided they played no part in the decision making process for those proposals. A change in the Code will be recommended to reflect the more restrictive guidance which might be attributable to conflict situations reported nationally within the last year which attracted considerable media attention.

4. It will be worthwhile clarifying our current rules on site visits when the Code is revised. The LGA Guidance suggests that site visits should be less common than may currently be the case in Durham and revised wording would reflect that they should not be regarded as standard practice for each application.
5. The new Guidance also clarified that new documents should not be circulated at Planning Committee meetings by supporters and objectors because of the risk that members may not have sufficient opportunity to give it proper consideration and officers may not have sufficient opportunity to check its accuracy or advise upon it. The Council's current practice is to circulate to members of the public a guide on procedures for speaking at Planning Committees and the detail is not included in the Code of Practice. This supplementary guidance will be updated to clarify that circulation of documents excluding a summary of any oral submissions the speaker intends to make will not be permitted.

### **Recommendation**

6. The Committee is requested to note that the Council's Constitution Working Group will be invited to make recommendations to Council on changes to the Council's Code of Practice for members and officers dealing with planning matters to reflect the new Guidance from the Local Government Association.

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## **Appendix 1: Implications**

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**Finance: None**

**Staffing: None**

**Risk: None**

**Equality and Diversity/Public Sector Equality Duty: None**

**Accommodation: None**

**Crime and Disorder: None**

**Human Rights: None**

**Consultation: None**

**Procurement: None**

**Disability Discrimination Act: None**

**Legal Implications: contained in the report**