

For General Release

REPORT TO:	ETHICS COMMITTEE 22 NOVEMBER 2012
AGENDA ITEM NO:	9
SUBJECT:	PLANNING & STRATEGIC PLANNING COMMITTEE PROCEDURE RULES AND MEMBERS' PLANNING CODE OF GOOD PRACTICE
LEAD OFFICER:	Executive Director , Planning & Environment Department
CABINET MEMBER:	Councillor Jason Perry, Cabinet Member for Planning, Regeneration & Transport
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The Council determined that the Ethics Committee shall review all protocols within the Constitution to determine whether they accord with the new Code of Conduct for Members and associated procedures.	
FINANCIAL IMPACT The recommendation contained in this report has no financial implications	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

1. RECOMMENDATION

The Committee is asked to:

- 1.1 Consider and approve the proposed amendments to planning and Strategic Planning Committee Procedure Rules (Appendix 1) and Members' Planning Code of Good Practice (Appendix 2)

2. EXECUTIVE SUMMARY

- 2.1 Following statutory amendments to the ethics regime, full Council adopted a new Code of Conduct in July 2012 and directed that the Council's protocols and procedure rules be updated to reflect the new statutory regime and the Code of Conduct adopted by the Council. Ethics Committee are required, as directed by full Council, to determine that the provisions within the revised protocols comply with the new statutory ethical regime and Council's Code of Conduct.
- 2.2 The procedure rules and planning code have been updated to reflect the changes introduced by the Localism Act 2011 and the new Code of Conduct adopted by the Council.

- 2.3 Certain typographical amendments have been made to ensure that terminology and references within the protocols accord with those utilised within the Council's Constitution.
- 2.4 An amendment to the procedure for variation of the protocols is suggested.

3. DETAIL

Changes due to the new Ethics Regime

- 3.1 The Localism Act 2011 introduced a new statutory ethical regime for local government, and following the full Council meeting in June 2012, the Council adopted a new regime for the Council and a new Code of Conduct. The Council also replaced the former Standards Committee with a new Ethics Committee. The new statutory regime requires certain revisions to be made to the Council's protocols as there are no longer personal and prejudicial interests for Members but Disclosable Pecuniary interests and other interests.
- 3.2 The new ethical regime also introduced different requirements in respect of Member participation where a Disclosable Pecuniary Interest is in existence. In order to take these changes into account, the Procedure Rules and Planning Code have been updated and references to the Standards Committee have been removed.

Changes due to the new Access to Information Procedure Rules:

- 3.3 Reference has been added to reflect reference to the Access to Information Procedure Rules which have been recently revised by full Council in response to new statutory regulations.

Typographical changes:

- 3.4 As reported to full Council in September 2012, amendments have been made throughout the Constitution to harmonise terminology, references and capitalisation. Similar updates have been made within the Procedure Rules and Planning Code attached.

Issues of clarification:

- 3.5 The procedure rules and code have been updated to make clear that the rules apply to Members of both Planning and Strategic Planning Committee; making reference to the Planning Case Unit and to indicate that consideration of applications are on the basis of planning merits.

Changes to the method of variation of the protocols:

- 3.6 As for all other Protocols within the Constitution, the procedure for amendment has been updated to remove reference to the Standards Committee and provide that the relevant Committee is responsible for amendments to the protocols. In addition, provision is made for the Director of Democratic and Legal Services to update protocols where this is necessary due to legislative changes. This is an amendment which has been carried through in respect of

all protocols within the Constitution. Members will still receive reports detailing updates to legislative provisions, but will not be required to consider amendments to protocols required to put the legislative provisions into effect unless these are areas in respect of which the Council has discretion as to the manner of such implementation.

3.7 Full Council has determined that the Ethics Committee will conduct a review all protocols and rules of procedure currently in place in respect of Members and their conduct at meetings and elsewhere including in relation to Licensing committee meetings to ensure that all such procedures are compliant with and subordinate to the new Code of Conduct such that in future the terms of any protocols or procedures relating to Members are not differentially applied and do not impose greater obligations on Members than the proposed Code requirements. A verbal update will be made to members of the Ethics Committee following consideration by the Licensing Committee.

3.8 Copies of the Procedure rules and Planning Code for consideration by Members are attached at Appendix 1 and Appendix 2 showing all proposed changes and Members are invited to comment on these proposals.

4. CONSULTATION

The Comments of the Director Planning & Building Control have been sought on the changes proposed within the report.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 There are no direct financial implications arising from this report.

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 There are no direct legal consequences arising from the contents of this report beyond those set out in the body of the report.

7. HUMAN RESOURCES, EQUALITIES, ENVIRONMENT AND CRIME AND DISORDER IMPACT

7.1 None

CONTACT OFFICERS:

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BACKGROUND DOCUMENTS:

None