

## **Report to Planning Committee**

**Subject:** Probity in Planning for Councillors and Officers

**Date:** 18 September 2013

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### **1. PURPOSE OF THE REPORT**

To inform members of the Planning Committee that the Local Government Association (LGA) has issued an updated Guide on Probity in Planning for Councillors and Officers.

### **2. BACKGROUND**

- 2.1 In April 2013, LGA published an update to the 2009 version of the Probity in Planning guide to reflect changes introduced by the Localism Act 2011. It clarifies how councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.
- 2.2 A copy of the guidance is attached at Appendix 1.
- 2.3 The guidance has been endorsed by the Standards Committee, which has specifically requested that it is referred to the Planning Committee to endorse and determine what action the Council should take in light of the guidance. On the request of Standards Committee, a copy of the guidance has been circulated to all Councillors.
- 2.4 The Council already has some protocols/guidance in place to cover some but not all of the issues covered in the guidance. As members are aware, the Council has an approved Code of Conduct and a requirement to register and declare interests, which apply in all case. There is also a corporate complaints and compliments system which applies to all council activities.

The issues covered in the guidance which are specific to the planning process are as follows:

#### Development proposals submitted by Councillors and Officers and Council Development

The Council does not have a specific protocol to deal with all these types of development proposals, but paragraph 12.2.4 of the Gedling Borough Council

Code of Practice For Members In Dealing With Planning Applications (Appendix 2) does make it clear that members should not play a part in determining proposals submitted by them, as applicant or agent. In practice development proposals submitted by Councillors and Officers and the Council itself are dealt with by Committee and not determined under delegated powers.

#### Lobbying of and by Councillors

Guidance on lobbying of and by Councillors is contained in paragraph 12.3 of the Gedling Borough Council Code of Practice For Members In Dealing With Planning Applications (Appendix 2).

#### Pre-application discussions

The Planning Committee approved a Protocol for Pre-Application Briefings (Appendix 3) on 13 March 2013.

Members are to note that the Council does have a Statement of Community Involvement which is currently in the process of being revised.

#### Public Speaking at Planning Committee

The Planning Committee Protocol (Appendix 4) governs who can speak at Planning Committee.

#### Decisions which differ from a recommendation

Paragraph 12.4 of the Gedling Borough Council Code of Practice For Members In Dealing With Planning Applications (Appendix 2) includes some brief guidance on making decisions which differ from the officer recommendation.

#### Committee site visits

Paragraph 12.5 of the Gedling Borough Council Code of Practice For Members In Dealing With Planning Applications (Appendix 2) includes guidance on site visits.

#### Annual review of decisions

The Council does not have any specific guidance or process for annual review of decisions.

### **3. RECOMMENDATION**

It is recommended that the Committee notes and endorses the contents of the guidance and decides whether any action should be taken to review current guidance or introduce new guidance.