

<b>Subject:</b>	Constitution Review		<b>Status:</b>	For Publication	
<b>Report to:</b>	Governance Working Group Council		<b>Date:</b>	24th May 2018 11th July 2018	
<b>Report of:</b>	Monitoring Officer		<b>Portfolio Holder:</b>	Regulatory Services	
<b>Key Decision:</b>	No - reserved for Council	Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
<b>Equality Impact Assessment:</b>	Required:	No	Attached:	No	
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached:	No	
<b>Contact Officer:</b>	Carolyn Sharples	<b>Telephone:</b>	01706 252422		
<b>Email:</b>	<a href="mailto:carolynsharples@rossendalebc.gov.uk">carolynsharples@rossendalebc.gov.uk</a>				

<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	<p>To agree the changes to the Constitution in relation to</p> <ul style="list-style-type: none"> <li>• Changes required as a result of changes to the Community Right to Bid: Assets of Community Value process (Appendix A).</li> <li>• Changes required to bring the Members' Planning Code of Good Practice in line with current legislation (Appendix B).</li> <li>• Changes to Member Champions (Appendix C).</li> </ul>

## **2. PURPOSE OF REPORT**

- 2.1 To bring the Constitution in line with changes agreed to the Community Right to Bid: Assets of Community Value policy and guidance.
- 2.2 To bring the Members' Planning Code of Good Practice in line with current legislation and practice.
- 2.3 To facilitate mid-year changes to Member Champions.

## **3. CORPORATE PRIORITIES**

3.1 The matters discussed in this report impact directly on the following of the Council's corporate priorities:

- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.

## **4. RISK ASSESSMENT IMPLICATIONS**

4.1 All the issues raised and the recommendation in this report involve risk considerations as set out below:

- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

## **5. BACKGROUND AND OPTIONS**

### **Part 3 Pages 44-45 and Page 69**

- 5.1 At the Cabinet meeting 14<sup>th</sup> March 2018 changes were agreed to the Community Right to Bid: Assets of Community Value Policy and Guidance. It was noted in the report that should the changes be agreed the Council's Constitution would require amending at Part 3 Terms of reference – Consultation Working Group and Part 3 Delegations to Specific Officers – The Monitoring Officer. Members were informed that these changes would be included in the next Constitution Review if the changes were agreed.
- 5.2 The changes required to the Terms of reference – Consultation Working Group are in relation to removing asset of community value considerations since this is now the responsibility of the Monitoring Officer.
- 5.3 Changes to the specific delegations to the Monitoring Officer are required to reflect that the Monitoring Officer now has responsibility to make decisions on Community Right to Bid: Assets of Community Value nominations.
- 5.4 These changes will bring the Constitution in line with the policy amendments agreed at the March 2018 Cabinet meeting.

### **Part 5 Pages 226-236**

- 5.5 Changes were introduced to the Members' Code of Conduct in accordance with *Chapter 7 of the Localism Act 2011* on 12<sup>th</sup> July 2012. Further changes are required to the Members' Planning Code of Good Practice to bring it in line with current legislation and practice.
- 5.6 The changes are highlighted in Appendix B as tracked changes and relate to the following:
- amended document titles
  - amended post titles
  - to reflect the change from personal and prejudicial interests to pecuniary and non-pecuniary interests as required by the Localism Act 2011.

- 5.7 Members are asked to approve the changes to bring the Constitution in line with current legislation and practice.

### **Part 2 Page 8**

- 5.8 At present the Member Champion titles are listed in the Constitution. Following agreement at the Annual Meeting, each time a title amendment is required a report is done for Governance Working Group followed by a recommendation to Council before further changes can be made.
- 5.9 To streamline the process it is proposed to remove the listed titles and put in place a process whereby in year changes can be easily made. The initial agreement of posts will still be made at the Annual Meeting.

## **COMMENTS FROM STATUTORY OFFICERS:**

### **SECTION 151 OFFICER**

- 6.1 There are no material financial implications arising from the report.

### **MONITORING OFFICER**

- 7.1 All legal implications are commented upon in the body of the report.

- 8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**
- 8.1 Consultation with Statutory Officers, Legal Officers, Committee and Member Services, Independent Remuneration Panel and the Governance Working Group.
- 8.2 The Governance Working Group considered the report on 24<sup>th</sup> May 2018 and recommended Council to approve the proposed changes as detailed in the appendices.
- 9. CONCLUSION**
- 9.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers	
Document	Place of Inspection
The Constitution of the Council	<a href="https://www.rossendale.gov.uk/downloads/download/10710/constitution">https://www.rossendale.gov.uk/downloads/download/10710/constitution</a>

## CONSULTATION WORKING GROUP

The Consultation Working Group (CWG) ~~has two primary functions:~~

~~To will~~ act as a wider consultation reference group on range of council related issues.

- ~~1. To act as the mechanism through which assets of community value nominations are reviewed and decided upon.~~

The Consultation Working Group will ~~meet once at the start of each year for training purposes and to agree a chairperson at the start of each consultation meeting should it be required to meet.~~

The ~~CWG will meet in person for the purposes of reviewing assets of community value nominations. For all other consultation purposes the~~ CWG will operate on a virtual basis, unless otherwise deemed necessary. This is to ensure the best use of councillor and officer time. This means that wider consultation material will be circulated via email and responses will be collated via email by a given deadline.

~~Confidential material for assets of community value nominations will be circulated prior to scheduled meetings.~~

In terms of decision making, the decision of the group will be made according to the majority view once the deadline for responses is reached, or for meetings normal procedures will apply for instances where there is an even split of opinion (chair's second/casting vote).

Substitutes may be provided for this group by notifying Committee and Member Services if any of the following apply:

- There is a conflict of interest.
- Cover for absence.
- Another member has more specialist knowledge of the consultation topic.

Number of Councillors:	7
Quorum (for responses):	3

Terms of Reference:

- To consider consultations received by the Council.
- To provide feedback on consultations received by the Council.
- ~~• To consider and determine Community Right to Bid nominations and provide feedback/reasons for decision to any nominating groups.~~

Part 3 Page 69 – addition

5.7 The Monitoring Officer will consider and determine Community Right to Bid nominations and provide feedback/reasons for the decision to nominating groups.

## **MEMBERS' PLANNING CODE OF GOOD PRACTICE**

### **Background**

#### **Introduction**

1. Relationship to the Members' Code of Conduct
2. Development Proposals and Interests under the Members' Code of Conduct
3. Membership of Development Control Committee
4. Fettering Discretion in the Planning Process
5. Contact with Applicants, Developers and Objectors
6. Lobbying of Councillors
7. Lobbying by Councillors
8. Site Visits
9. Public Speaking at Meetings
10. Officers
11. Decision Making
12. Application of the Code to the Development Plan Process and other Planning Functions
13. Training
14. Complaints

## Background

This Code of Good Practice ~~has been originally~~ prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and is based on a Model Code produced by the Association of Council Secretaries and Solicitors in consultation with the District Audit Service, Local Government Ombudsman and the Standards Board for England. The Code has since been updated with the introduction of the Chapter 7 of the Localism Act 2011.

## Introduction

**The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest.

**Your role as a member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable planning reasons.

**When the Code of Good Practice applies:** this code applies to members at all times when involving themselves in the planning process.

It also applies to any involvement you might have in respect of applications which are delegated to officers to determine. The Planning Manager has delegated power to determine all applications in accordance with the Councils Scheme of Delegation:

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer, Clare Birtwistle telephone 01706 252438 or e-mail [clarebirtwistle@rossendalebc.gov.uk](mailto:clarebirtwistle@rossendalebc.gov.uk) or one of her staff, and preferably well before any meeting takes place.**

## Relationship to the Members' Code of Conduct

- Do apply the rules in the Members' Code of Conduct first, which must be always be complied with.
- Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the ~~Members'~~ Code of Conduct ~~for Members'~~ for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk ~~of either being named in a report made to the Standards Panel or Council or,~~ if the failure is also likely to be a breach of the Code of Conduct ~~(and,~~ a complaint could being made to the Monitoring Officer).

## 2. Development Proposals and Interests under the Members' Code

- Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

- Do then act accordingly. Where your interest is ~~personal and prejudicial~~ a disclosable pecuniary interest:
  - Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
  - Don't try to represent ward/local views, get another Ward/Local Member to do so instead.
  - Don't get involved in the processing of the application.
  - Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a ~~personal and prejudicial disclosable pecuniary~~ interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
  - Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a ~~personal and prejudicial disclosable pecuniary~~ interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a ~~personal and prejudicial disclosable pecuniary~~ interest in a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to make use of the public speaking scheme to address the meeting on the proposal and observe the meeting's consideration of it from the public gallery.)
  - Do notify the Monitoring Officer of any planning application that you submit and note that:
    - . notification to the Monitoring Officer should be made no later than submission of the application;
    - . the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
    - . it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee;
- ~~Personal and Prejudicial Disclosable Pecuniary~~ Interests are explained in Part 5 of the Council's Constitution in the Code of Conduct for ~~Councillors~~~~Members and Co-opted Members, Independent and other Voting Representatives~~. Members should not allow the impression to be created that they are, or may be, using their position to promote ~~a private or personal~~~~disclosable pecuniary~~ interest rather than forwarding the general public interest. ~~Private and Personal Disclosable pecuniary~~ interests include those ~~in your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that the other person has the interest. This includes of family and friends, their employment, sponsorship, contracts, land, licences, corporate tenancies, and securities as well as those arising through membership of or, association with, Clubs, Societies and other organisations such as the Freemasons, trade unions and voluntary bodies;~~
- An ~~other or non-pecuniary~~ ~~Personal~~ interest will also ~~be a prejudicial interest need to be declared~~ if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the members' judgment of the public interest.

### 3. Membership of Development Control Committee

- It is important that members of the public have confidence in the members who are making decisions on planning applications and in connection with other planning matters. Regarding the conduct of members, not only should impropriety be avoided but also any appearance or grounds for suspicion, of improper conduct. Also, members of the public need to be confident that Members have reasonable capability, in terms of background knowledge, for making these decisions, and are making them in line with agreed and adopted policies, national guidance and legislation.
- Members who have businesses or other interests which may bring them into contact with the Council's planning system on a regular basis should not generally be considered for membership of the Development Control Committee.

### 4. Fettering Discretion in the Planning Process

Members of the Development Control Committee.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

**Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** also be aware that, whilst the **Members'** Code of Conduct **for Members'** provides for a presumption that you may regard yourself as not having a **prejudicial disclosable pecuniary** interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:
  - you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:
    - . another local or public authority of which you are a member; or
    - . a body to which you have been appointed or nominated by the Council as its representative; or

- you are a trustee or company director of the body submitting the proposal and were appointed by the Council (these are classed as non-pecuniary interests unless there is potential for financial gain)

| you should always disclose a ~~prejudicial as well as personal interest~~disclosable pecuniary and withdraw.

### **Members of Consultee Bodies.**

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a borough and county councillor), provided:
  - the proposal does not substantially effect the well being or financial standing of the consultee body;
  - you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
    - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
  - you disclose the personal non-pecuniary interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

### **Ward Members**

- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial disclosable pecuniary interest. Where you do:
  - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the member seating area for the duration of that item; and
  - ensure that your actions are recorded.

### **5. Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the

**Development Control Planning** Manager to organise it. The officer will then ensure that those present at the meeting 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.

- **Do** otherwise:
  - follow the rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the **Development Control Planning** Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate Council Committee.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other members might vote.

**6. Lobbying of Councillors**

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward/local area and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum; its acceptance is declared as soon as possible and remember to register the gift or hospitality in accordance with the Council's Code of Conduct [Part D: Register of Gifts and Hospitality for Councillors](#).
- **Do** copy or pass on any lobbying correspondence you receive to the **Development Control Planning** Manager at the earliest opportunity.

- **Do** promptly refer to the **Development Control Planning** Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a **personal and prejudicial disclosable pecuniary** interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## **7. Lobbying by Councillors**

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a **personal and prejudicial disclosable** interest and have to withdraw.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a **personal non-pecuniary** interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other member to do so. Political group meetings should never dictate how members should vote on a planning issue.

## **8. Site Visits**

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the committee, so that all members have the same information.
  - **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
  - **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
  - **Don't** hear representations from any other party with the exception of the ward/local member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Authority and direct them to or inform the officer present.
  - **Don't** express opinions or views to anyone.
  - **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
    - you feel it is essential for you to visit the site other than through attending the official site visit,
    - you have first spoken to the **Development Control Planning** Manager about your intention to do so and why (which will be recorded on the file) and
    - you can ensure you will comply with these good practice rules on site visits.

## **9. Public speaking at meetings**

- **Don't** allow members of the public to communicate with you during the committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## **10. Officers**

- All members and officers must ensure that contact between them in connection with planning matters accords with the established convention of mutual respect, despite possible personal and professional differences of opinion on particular issues. Any contact between them should not undermine working relationships which are crucial to the success of the Council and good local government.
- Officers have a duty to give impartial advice to members and the Council on planning applications and other planning matters and to make recommendations to committee in the light of the Council's adopted planning policies, national planning policies, and any other material consideration using their professional judgement. Members should not attempt to use their position to pressurise officers into making a particular recommendation.

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Planning Manager, which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Employers Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its members.

## **11. Decision Making**

- **Do** ensure that, if you request a proposal to go before the committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** consider other relevant legislation such as the Human Rights Act 1998, Race Relations Act 1976 as amended, Crime and Disorder Act 1988.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge. In certain instances it may be preferable to defer the application to the next Development Control Committee so that members can have a further report on the application in light of their proposed decision to determine the application contrary to the officer's recommendation.

## **12. Application of the Code to the Development Plan process and other Planning Functions**

- In the Local Development Framework (LDF) process, decisions are made by the Council regarding allocations and policies which relate to specific sites, or general policies which are not site specific but can have a bearing on how and what land can be developed. All these affect private interests.
- During the LDF process the Council will be dealing with people putting forward proposals for inclusion in the Plan, whilst others will be objecting to the proposals in the Plan.
- The Council makes decisions in relation to the LDF which comprise Development Plan Documents (DPDs), such as the Core Strategy and the Allocations DPD, as well as Supplementary Planning Documents, which provide greater detail on the policies in the DPDs.
- Interested parties will primarily be landowners or developers and interest groups, together with statutory bodies and authorities, and local residents. All play a part in the process and interact with members and officers.
- In addition to planning applications, other development control functions include enforcement action, tree preservation orders and dealing with listed buildings and conservation areas. All these areas of work involve important decisions being made which affect people's interests, and this Code applies to these decisions as well.
- It is essential, therefore, that members have regard to the guidance in this Code of Conduct in relation to these other areas of work besides planning applications.

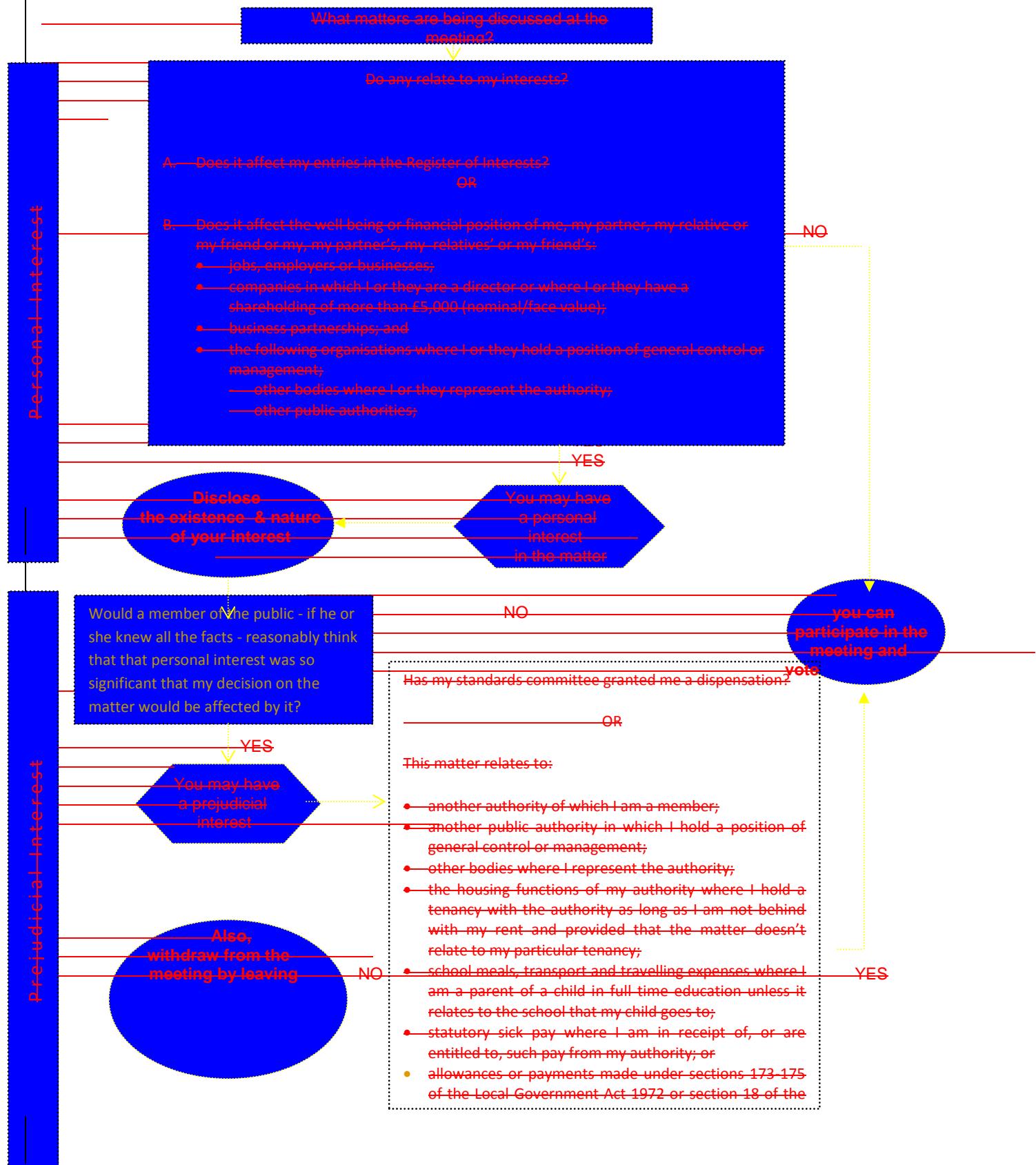
### **13. Training**

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended planning training provided by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that members' judgements have been based on proper planning considerations.

### **Complaints**

- Whatever procedures and practices are put in place it is possible that complaints will be made. However, the adoption of the advice in this Code should reduce the occasions on which complaints are justified. It should, hopefully, also provide less reason for people to complain in the first place.
- Complaints about the planning process will be dealt with through the Council's ~~and Departmental~~ complaints system. (Objections to planning applications are not treated as complaints). ~~However, and~~ complaints by applicants/agents about the decision made (not the process) will not be entertained as a complaint as they are able to make use of the external statutory appeals process to the Secretary of State.

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF (Non-Overview and Scrutiny Meetings)



## Declaring Interests Flowchart – Questions to ask yourself

**What matters are being discussed at the meeting?**

Does it relate to one of your interests, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife (or as if you were civil partners and you are aware that the other person has the interest), relating to an outside body where there is general control or management or membership (including as a Council representative), or is the interest in relation to any person or body from whom a gift or hospitality has been received?



**What action should I take?**

- Disclose the existence and nature of your interest
- You can participate in the meeting and vote where non-pecuniary interests exist after considering the following:
  - Is there any financial gain to me personally or someone I am living with as a married or civil partner?
  - Have I been significantly involved in the application process?
  - Is there evidence of pre-determination or bias?

(If there is anything additional to consider listed above or if you need advice, always consult the **Monitoring Officer in advance of the meeting**)

Does it relate to one of your interests, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife (or as if you were civil partners and you are aware that the other person has the interest), relating to employment, office, trade, profession, vocation, sponsorship, contracts, land, licences, corporate tenancies, securities, or a financial interest?



**What action should I take?**

- Disclose the existence and nature of your interest
- Consider in advance whether it would be best to organise a substitute for the meeting
- Withdraw from the meeting and do not vote on the item

Is it a Non-pecuniary interest?

Is it a Disclosable pecuniary interest?

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2.07 The Council shall appoint ~~the following Controlling~~ Member Champions from amongst its Members at the Annual Council Meeting. The Chief Executive in consultation with the Leader and Deputy Leader of the Council and the Leader of all Political Groups shall be authorised to make any in year changes to Member Champions.:

~~Heritage and Design Champion, Armed Forces Champion, Flood Champion, Equalities Champion, IT Champion and Older People's Champion.~~