



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Thursday 27 March 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Cummins, Gladbaum, Harrison and HB Patel and Mrs Sheila Darr (Co-opted Member)

1. Declarations of personal and prejudicial interests

There were no declarations of personal or prejudicial interests. For purposes of transparency, Councillor Sheth advised that he was Chair of the Planning Committee. Similarly, Councillor Cummins advised that he was a member of the Planning Committee and Councillor Harrison informed the meeting that she was a member of the Alcohol and Entertainment Licensing Committee.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 9 January 2014 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. Report on the Reviews of the Licensing and Planning Codes of Practice and on the Members' Code of Conduct

Kathy Robinson (Senior Lawyer) introduced the report setting out the findings of the recent independent reviews of the Licensing and Planning Codes of Practice and their subsequent implications for the Members' Code of Conduct. Periodic review of the Licensing and Planning Codes was required to ensure that they remained fit for purpose and were being correctly applied by members and officers. The independent reviews had been conducted by Belinda Shaw of Ch&i Associates and her reports were attached as appendices to the main report before the committee.

Drawing members' attention to the proposed changes set out within Ms Shaw's reports, Kathy Robinson, advised that overall the findings of the reviews had been very positive and that most of the recommendations related to the need to update the Codes to reflect changes to the legislative framework, guidance on best practice or current council practice. It was highlighted that there were a number of recommendations and themes common to both Codes. In particular, it was recommended that the requirement to declare personal and prejudicial interests be retained in the Planning and Licensing Codes and that the Members Code of

Conduct be amended to include this, in addition to Disclosable Pecuniary Interests. Other common themes related to the importance of member training, conduct of site visits and the recording of approaches to Committee members by interested parties.

In response to queries raised by the committee, Kathy Robinson explained that though both were quasi-judicial functions, Planning and Licensing had very different arrangements, with the conduct of the Licensing committee carefully specified and taking the form of a hearing. Planning also allowed for there being local Planning interests. However, in each case the Codes of Practice aimed to ensure the decision making processes were robust, remained transparent and were not vulnerable to being tainted. In view of the positive feedback received via the current reviews, it was proposed that both Codes be reviewed every three years.

During its discussion, the committee acknowledged the importance of member training and agreed that the Party Whips should be utilised where members did not attend the required training. The committee also considered issues relating to the non-attendance of members at the Planning Committee who had 'called in' a planning application. It was agreed that it was important for those members to contribute to the subsequent process, including attending the site-visit and committee meeting. It was noted that an addition to the Planning Code of Practice was proposed which would remind Members to consider alternative means to calling in an application, in order to achieve their objective. A member questioned the practicality of these alternative options which included meeting with the relevant Planning Officer and was advised that these had been successfully employed in the past. The committee also discussed the number of members required to call in a planning application and agreed that three was an appropriate number.

RESOLVED:

- (i) that the report regarding the independent review of the Licensing Code of Practice attached at Appendix 1 to the report be noted;
- (ii) that the recommended changes to the Licensing Code of Practice set out as tracked changes in Appendix 2 to the report be agreed
- (iii) that the report regarding the independent review of the Planning Code of Practice attached at Appendix 3 to the report be noted;
- (iv) that the recommended changes to the Planning Code of Practice set out as tracked changes in Appendix 4 to the report be agreed, subject to the following additional amendments:
 - a) that it be clarified that members who sponsored the calling-in of a planning application ought to attend the associated site visit and committee meeting, with the wording of the amendment to the Code to be agreed between the Chair of the committee and the Director of Legal and Procurement;
 - b) Paragraph 1, 10th line, the following sentence to be amended as shown: 'They should not allow themselves to be influenced by

members of the public and ~~developers~~ applicants, agents or third parties ...’;

- c) Paragraph 37, 5th line, the following sentence to be amended as shown ‘Members of the Planning Committee should not make up their mind before hearing and considering all relevant information at the meeting and should not declare in advance of the ~~meeting~~ vote, how they intent to vote on a particular application or other matter’;
 - d) Paragraph 38, 2nd line, the word ‘journalists’ to be inserted so that the section reads ‘(including applicants, agents and journalists)’;
 - e) Paragraph 39, 3rd line, the following to be inserted at the end of the sentence ‘and the question should not be party political.’.
- (v) That the Licensing Code of Practice and the Planning Code of Practice be independently reviewed every three years;
 - (vi) that the observations made in relation to the Members’ Code of Conduct arising from the review of the Licensing and Planning Codes of Practice be noted;
 - (vii) that the recommended changes to the Members’ Code of Conduct attached as Appendix 5 to the report be agreed.

5. **Date of Next Meeting**

The committee noted that the date of the next meeting was subject to confirmation at the Annual Meeting scheduled for 4 June 2014.

6. **Any other urgent business**

None.

The meeting closed at 8:32

KETAN SHETH
Chair