

LONDON BOROUGH OF BRENT
STANDARDS COMMITTEE - 21 OCTOBER 2003
PLANNING COMMITTEE – 15TH MARCH 2004
REPORT FROM THE BOROUGH SOLICITOR

FOR Action

WARDS AFFECTED: ALL

REPORT TITLE : PLANNING CODE OF PRACTICE REVIEW

1.0 SUMMARY

- 1.1 This is an annual report from the Borough Solicitor following the Planning Code of Practice: Independent Review for the period June 2002 to May 2003

2.0 RECOMMENDATIONS

Members agree the following recommendations made in the Planning Code of Practice: Independent Review for the period June 2002 to May 2003:

- 2.1 That the definitions for both Personal and Prejudicial interests at committee meetings should be clarified, especially with regard to declaration of approaches by interested parties. Within the meeting itself, such declarations should be accurately categorised by the minute taker and the minutes should reflect this categorisation. For the benefit of Committee Members, clarification should be addressed within the Member Development Programme
- 2.2 That Political groups should be reminded that, when appointing alternates, care should be taken to ensure that all wards will contain a councillor who is not a Member of the Planning Committee.
- 2.3 That there should be a review of the use of, and effectiveness of, Committee pre-meetings due to current attendance patterns. The review should be jointly managed by Democratic Services, Legal Services, the Planning Service and political group representatives.
- 2.4 That Committee Members should be strongly reminded that, when voting on application approval/refusal, personal judgements should be used, not political judgements
- 2.5 That further improvements to the clarity of the committee meeting process should be considered. This will enable members of the public and non-committee

Members in attendance to understand and have confidence in the decision-making process.

3.0 FINANCIAL IMPLICATIONS

3.1 There is a potential cost to providing external training.

4.0 LEGAL IMPLICATIONS

4.1 The Planning Code of Practice under the Council's Constitution was adopted on 22nd May 2002 and subsequently revised on 19 May following recommendations from the last review and this committee.

4.2 Under the Council's Constitution the terms of reference of this committee include assistance members and co-opted members to observe the Brent Members' Code of Conduct, the Planning Code of Practice (para 2), advising on revisions (para 3) and monitoring the effectiveness of the codes (para 4).

4.3 Under the local Government Act 2000, if Members commit a breach of the Brent Members Code of Conduct, the matter can be referred to the Standards Board for England. An Ethical Standards Officer investigating the case could refer it back to the Standards Committee for determination or refer it to a case tribunal of the Standards Board. In either instance, the Member concerned could be suspended or disqualified. A finding that a breach had occurred could affect the outcome of an Ombudsman investigation or a judicial review.

5.0 DETAIL

5.1 The Planning Code of Practice Review report was commissioned by the Borough Solicitor as required by paragraph 2 of the code and is part of an annual review by her into how the code is working. The report addresses the extent to which there is Code compliance by officers and Members, an analysis of decisions being made against officers' recommendations and any appropriate recommendations for improvement.

5.2 A copy of the Planning Code of Practice Review is attached to this report.

5.3 A report for the previous year was brought before Members at their meeting on 14th January of this year. Details of the outcome of those recommendations are included in the Planning Code of Practice Review

5.4 This report was undertaken by Tim Baker, an external consultant employed by Human Resources and Diversity.

5.5 Mr Baker had access to officers and members and Council records such as minutes and registers of interests.

5.6 The report makes 5 recommendations, set out below which are recommended to be agreed by this committee:

- 5.6.1 The definitions for both Personal and Prejudicial interests at committee meetings should be clarified, especially with regard to declaration of approaches by interested parties. Within the meeting itself, such declarations should be accurately categorised by the minute taker and the minutes should reflect this categorisation. For the benefit of Committee Members, clarification should be addressed within the Member Development Programme (Paragraphs 6.3.3 and 6.3.5 to 10 of the report)
- 5.6.2 Political groups should be reminded that, when appointing alternates, care should be taken to ensure that all wards will contain a councillor who is not a Member of the Planning Committee. (Paragraph 6.3.14 of the report)
- 5.6.3 There should be a review of the use of, and effectiveness of, Committee pre-meetings due to current attendance patterns. The review should be jointly managed by Democratic Services, Legal Services, the Planning Service and political group representatives. (Paragraph 6.3.19 of the report)
- 5.6.4 Committee Members should be strongly reminded that, when voting on application approval/refusal, personal judgements should be used, not political judgements. (Paragraph 6.6.5 of the report)
- 5.6.5 Further improvements to the clarity of the committee meeting process should be considered. This will enable members of the public and non-committee Members in attendance to understand and have confidence in the decision-making process. (Paragraph 8.9 of the report)
- 5.7 Insofar as the last recommendation is concerned, Legal and Democratic Services are working on a leaflet to hand out prior to Planning Committee Meetings explaining the process, who attends committee and contact details for officers

6.0 BACKGROUND INFORMATION

Planning Code of Practice

Independent annual review of the development control code of practice

Any persons wishing to inspect the papers in connection with the above proposals should contact Ian Chisnell at:-

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Terry Osborne
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APPENDIX
Planning Code of Practice: Independent Annual Review
June 2002 to May 2003