

	<p style="text-align: center;"><b>Standards Committee</b> 11<sup>th</sup> October 2005</p> <p style="text-align: center;"><b>Report from the Borough Solicitor</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Planning Code of Practice Review</b></p>	

## 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 2004 to May 2005

## 2.0 RECOMMENDATIONS

That Members:

- 2.1 Note the findings of the Planning Code of Practice: Independent Review for the period June 2004 to May 2005 and the comments of the Borough Solicitor.

## 3.0 DETAIL

- 3.1 The Planning Code of Practice Review report was commissioned by the Borough Solicitor as the annual review required by paragraph 2 of the Code. 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.
- 3.2 A copy of the Planning Code of Practice Review is attached to this report. The report has been prepared by the Council's Consultancy Service within Human Resources and Diversity, which has had access to officers and members and Council records such as minutes and registers of interests.
- 3.3 The report makes 3 recommendations, which are set out below with the observations of the Borough Solicitor:

- 3.3.1 **All Planning Committee Members should endeavour to attend the appropriate training sessions provided**

**3.3.2 Political groups should be further 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**

*Comment: This was done on 14<sup>th</sup> October 2004. The Borough Solicitor does not consider that it is necessary to remind them again.*

**3.3.3 Members of the Planning Committee should be further reminded that attendance at the briefing is important**

*Comment: It is a matter for members whether they attend the briefing meeting – it is not essential*

**4.0 FINANCIAL IMPLICATIONS**

4.1 None.

**5.0 LEGAL IMPLICATIONS**

5.1 The Planning Code of Practice under the Council's Constitution was adopted on 22<sup>nd</sup> May 2002 and has subsequently been revised from time to time on the recommendation of the Borough Solicitor and this committee.

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

5.3 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. A Member found to be in breach of the Code could be suspended or disqualified. A finding that a breach had occurred could affect the outcome of an Ombudsman investigation or a judicial review. A breach of the Planning Code of Practice will not necessarily be a breach of the Brent Member's Code (and so may not be something that could be referred to the Standards Board) but adherence to the Planning Code of Practice should mean that planning decisions are able to withstand legal challenge either by judicial review or on appeal or on complaint to the ombudsman.

## **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 Terry Osborne at:-

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