

Agenda Item 5

Strategic Management Team Lead Officer	Angela Griffiths – Corporate Head of Service for Democratic and Legal Services
Author	Chris Harris
Telephone	01306 879130
Email	Chris.harris@molevalley.gov.uk
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Subject	Mole Valley District Council's Members' Planning Code of Good Conduct
RECOMMENDATIONS	
The Committee is asked to consider the attached amended Code and recommend its adoption by the Council, subject to any further amendments.	

The Council has the authority to determine any Recommendations

1.0 BACKGROUND

- 1.1 The Members' Planning Code of Good Conduct was adopted by the Council in 2008. The purpose of the Code is to assist Members to maintain high standards of conduct whilst dealing with planning matters and to seek to ensure that decisions on planning matters cannot be challenged on the grounds that the decision was biased, partial or not well founded.
- 1.2 The Planning Code of Good Conduct is meant to supplement the Members' general Code of Conduct, which should take precedence.
- 1.3 The Localism Act 2011 introduced the requirement for all local authorities to have a general code of conduct, the terms of which could be agreed by the local authority. The only requirement was for the code to contain the seven principles of public life which are set out in paragraph 1.2 of the general Code. There was no longer a requirement for the code to be based on a national model and authorities were able to make their own arrangements for dealing with alleged breaches of the code.
- 1.4 The Localism Act 2011 introduced new types of interest which had to be disclosed - replacing the former personal and prejudicial interests with disclosable pecuniary interests and other non-pecuniary interests.
- 1.5 The Localism Act 2011 also sought to clarify certain situations where a Member's conduct was not to be regarded as being biased or predetermined.

2.0 Revised Code

- 2.1 The Members' Planning Code of Good Conduct needed to be updated to refer to the new types of interest that have to be declared and the opportunity has been taken to clarify certain aspects of the Code.
- 2.2 The draft Code is attached as Appendix A and shows, with one exception, the changes that have been made to the Code, both by way of insertions and omissions, as tracked changes. The exception is the flow chart at the end of the Code which has been replaced in its entirety with a new flow chart.

Financial Implications – None arising directly from this report.

Legal Implications – There is no legal requirement to have a Planning Code of Good Conduct but it is recommended that authorities should have one to provide guidance and assistance to members when considering planning matters.

3.0 CORPORATE IMPLICATIONS

Monitoring Officer commentary – All legal implications have been taken into consideration.

S151 Officer commentary – The S.151 Officer confirms that there are no direct financial implications arising from this report.

Risk Implications - Regular review of arrangements to assist Members to maintain high standards of conduct whilst dealing with planning matters will help to satisfy the statutory duty to promote and maintain high standards of conduct by Members. Effective processes will help maintain strong ethical governance and safeguard the Council from damage to reputation. The arrangements also seek to ensure that decisions on planning matters cannot be challenged on the grounds that the decision was biased, partial or not well founded.

Equalities Implications - The Council's Standards regime complies with equalities legislation

Sustainability Issues – There are none.

Consultation - The Interim Corporate Head of Planning and the Development Control Manager have both been consulted.

BACKGROUND PAPERS

None