

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 4.00pm on 3 MARCH 2014**

Present: Councillor R M Lemon – Chairman.  
Councillors C Cant and K Eden (Uttlesford members)  
Mrs G Butcher-Doulton, Mr V Lelliott and Mr A Brobyn  
(Independent members).

Officers in attendance: M Cox (Democratic Services Officer) and M Perry  
(Assistant Chief Executive - Legal).

**S15 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors E Godwin, J Loughlin and J Menell.

**S16 MINUTES**

The minutes of the meetings held on 7 October 2013 were agreed and signed by the Chairman as a correct record.

**S17 CALL IN PROCEDURE**

The Assistant Chief Executive – Legal reported that the recommendation made at the last meeting had been considered at Full Council on 10 December 2013. At that meeting Members had not been prepared to adopt the protocol and had voted to defer the item for further consideration by the Standards Committee. The issues raised were:

- Para 3.1 – concern at the suggestion of giving the Assistant Director – Planning and Building Control the power to reject a call in request, if he was not satisfied with the reasons given.
- Para 3.2 – Questioning the statement that applications should not be called in just because they are controversial.
- Concern at the deadline for requesting a call-in.

Following the meeting, the Assistant Chief Executive - Legal had emailed all members of the council for their views on the protocol and 6 responses had been received. Two of these were in favour of the proposed protocol and four had raised some concerns.

The committee discussed this issue. Councillor Eden said he had been surprised at the full council's response and thought there appeared to be a lack of understanding of the planning process.

Councillor Cant said she agreed with the protocol. There seemed to be a perception amongst some residents that an application might be considered more favourably by the Planning Committee and she was regularly asked to call in smaller applications often involving neighbour disputes. However, there was generally a sound reason for the planning officer's

recommendation and when these small applications were called it was unusual for the officer's decision to be overturned.

Members commented that delegation was vital to the smooth running of the planning process and the majority of applications were delegated to planning officers. The larger applications that were likely to be more controversial were usually referred to the Planning Committee, so this protocol was directed more toward the smaller applications.

Councillor Eden said there wasn't a problem with calling in an application because it was 'controversial'. If an application was causing a lot of public concern, there would almost certainly be a relevant planning reason related to the objections.

It was agreed that the best approach was for Members to look at the planning application, obtain clarification from the planning officer regarding the facts of the case and then decide if it warranted call –in. Planning officers were happy to discuss any planning application with members and give advice on the planning issues. It had been proposed to insert in the protocol a paragraph to read, 'It was recommended that members considering calling in an application should seek advice of planning officers before doing so'

Members were satisfied that the Assistant Director Planning and Building Control should be the final arbiter in the process. He was the most senior person in the planning department and was usually two levels away from where the decision was taken. However, it was felt that this provision was only included as a failsafe as it was very unlikely that there would be need to exercise this power.

The time scale for calling in an application was 5 weeks, which the committee felt was a sufficient period of time.

The Chief Executive – Legal explained that if the Council did not accept the protocol, the Standards Committee could issue guidance on what would constitute a breach of the code. It was preferable to adopt a protocol that was agreed by the whole council and which would provide clarity for Members and officers.

RESOLVED to refer the item back to Full Council with the recommendation that the protocol be approved.

S18

## **PROBITY IN PLANNING**

The committee considered changes to the delegation procedures for certain planning applications.

It was explained that currently to ensure transparency, all planning applications made by councillors, ex-councillors, employees and ex-employees were referred to the Planning Committee rather than being dealt with under delegated powers. This placed an administrative burden on the

planning department when this practice was probably not necessary in all cases.

The Committee agreed that granting planning permission under delegated powers could be seen by the public as a benefit to the applicant, but this didn't apply to an officer recommendation of refusal.

- It was suggested that all recommendations for refusal for planning applications submitted by councillors and employees, both past and present, could if appropriate be dealt with under delegated powers.

In terms of ex councillors and ex employees, members considered over what period of time a link with the council would become so tenuous that the issue of partiality would not arise. It was agreed that an appropriate period of time was a councillor's term of office, which was 4 years.

- It was suggested that after a period of 4 years all applications, (with a recommendation of approval or refusal) from ex employees and ex councillors should if appropriate be dealt with under delegated powers.

RECOMMENDED to Full Council the protocol for dealing with employee and councillor applications as set out above.

S19

### **PLAIN ENGLISH CODE OF CONDUCT**

The Committee was informed that the Government had issued further guidance and an amended illustrative text for a Code of Conduct. Its content was similar to the previous revised code issued by the Government, which the council had rejected as being too discursive in May 2012.

Members considered the document but felt that all the matters were adequately covered by the Council's existing Code of Conduct.

RESOLVED that no changes be made to the Council's existing Code of Conduct.

S20

### **PARISH COUNCIL UPDATE**

The Assistant Chief Executive – Legal updated the committee on the number of parishes that had adopted the Uttlesford Code of Conduct and which parish councils had embraced the power of general competence.

Members were reminded that the Localism Act 2011 had abolished the power of Government to prescribe a code of conduct. Councils had a requirement to promote high standards of conduct, to adopt a code that was compliant with the Nolan principles and make provision for the registration and declaration of interests. Parish Councils if they wished, were empowered to adopt the district council's code of conduct. They were also able to

delegate to UDC the power to grant dispensation for their members and to impose sanctions in respect of breaches of the Code.

Since the passing of the Act the Standards Committee had advised all town and parish council's of the advantage of adopting the District Council's Code.

It was reported that since writing the report 49 of the 53 councils had now confirmed adoption of the code. One council had concerns about the requirement to publish details on line and three councils had still not responded. Only a few council's had adopted the power to grant dispensations or impose sanctions.

Parish councils were also able to adopt the Power of General Competence, if they met certain criteria. This gave the power for a council to do anything which a natural person could lawfully do, but very few parish councils had adopted it. This was generally because the council failed to meet the electoral requirement, the clerk qualification requirement or both.

The Committee was aware that district council had no responsibility to impose any sanction on a town/parish council in respect of failing to adopt a code but thanked the Assistant Chief Executive – Legal for his efforts in obtaining this information.

#### **S21 HIGH COURT DECISION ON STANDARDS**

The Assistant Chief Executive – Legal informed members of a recent High Court decision concerning the code of conduct. Since the 1<sup>st</sup> tier tribunal had been abolished there had been a significant reduction in these cases. However this case demonstrated that even under the new regime, where there was an absence of effective sanctions, councillors still appeared to take seriously any allegations made under the code of conduct.

#### **S22 MONITORING OFFICER' UPDATE**

The committee was updated on the activity regarding standards over the past council year. This had been a relatively quiet period. In terms of allegations of a breach of the code, 4 had been received, all against district councillors but no sanctions had been imposed. There had also been a number of requests for dispensation from parish councillors.

The report was noted.

#### **S23 DATE OF NEXT MEETING**

The next meeting would be held at 4.00pm on Monday 16 June 2014.

The meeting ended at 5.00pm