

Committee: Standards

Agenda Item

Date: 3 March 2014

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Title: PROBITY IN PLANNING

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Item for decision

Summary

1. This report is to seek members views as to the necessity of referring applications from councillors and former councillors and staff and former members of staff to the Planning Committee.

Recommendations

2. Members recommend a protocol for dealing with referrals.

Financial Implications

3. None

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Planning is a Full Council function delegated to the Planning Committee. There is further delegation from the committee to planning officers. The Scheme of Delegation is extensive and the vast majority of applications are in fact dealt with by officers under delegated powers.
7. In order to ensure transparency and to avoid the suspicion of impropriety all planning applications made by councillors, ex-councillors, employees and ex-employees must be referred to the planning committee even where the nature of the application is such that had it been made by a member of the public it would have been dealt with by officers under delegated powers.
8. This does place an administrative burden on the council which may be unnecessary in certain circumstances. It may therefore be appropriate to seek to strike a balance between transparency on the one hand and the efficiency of the service and use of committee time on the other.
9. So far as current councillors and members of staff are concerned, it is easy to understand how the public would be suspicious of the grant of planning permission under delegated powers. However, it is equally difficult to see how the public would consider that an officer had acted inappropriately in refusing an application from such a person under delegated powers. Members are asked therefore to consider whether it is necessary for all planning applications by current councillors and employees to be referred to the Planning Committee or only those where the officer recommendation is for approval.
10. With regard to ex councillors and employees it is suggested that there must come a time when their association with the council has become so tenuous that a suspicion of partiality could not arise. Members are therefore asked to consider whether it would be appropriate to specify a period of time after the date when the ex-councillor or employee ceased to be a member or employee of the council after which it would not be necessary to refer any planning applications from such an individual to the Planning Committee regardless of the recommendation.
11. If members do not consider that the passage of time would remove suspicion then it is suggested that ex-members and employees should be dealt with in the same way as existing members and employees. If members are satisfied that passage of time does remove any suspicion then it is suggested that ex members and employees should be treated the same as existing members and employees until that time has expired and thereafter should be treated as ordinary members of the public.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
The public perceive planning applications from members and former members and employees and former employees are being dealt with inappropriately.	2, there is a slight risk that treating ex members and employees as members of the public may allow suspicion in some quarters.	3, confidence in the planning system could be damaged.	Members ensure that appropriate safeguards are put in place to prevent adverse perceptions arising.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.