

conflict of interest when taking part in decision-making at committee. The second complaint relates to an allegation of 'inappropriate' involvement in a procurement process. The committee will be updated further on the progress of these two complaints at subsequent meeting.

At the last meeting of the Committee, the Monitoring Officer referred to a member complaint relating to a planning matter. Following the Initial Assessment under the Arrangements the matter was formally investigated to determine whether there had been a breach of the Code by the subject Member. The investigation required collation of facts and information and interviewing relevant officers, the complainants, the subject members and thereafter consulting with the Independent Person. The two complaints were related to two planning applications relating to the same property and concerned the Chair of the Planning & Highways Committee who had become involved with the applicant and the objectors as the property was in his ward. The complainants were also objectors to these planning applications and made a number of allegations against the Chair for breach of the Code, which included :

- contacting the Planning Officer whilst the first application was being considered under the scheme of delegation;
- for not declaring an interest and following the scheme of delegation when considering whether the first planning application should be referred to the Committee for determination;
- for alleged comments made in public at a non-council meeting and alleged posting of comments in a local newspaper.

After a detailed investigation none of the allegations were substantiated and no breach of the code has been found. However, the Monitoring Officer having carefully considered the investigation report has identified a number of learning points and made the following recommendations to assist all members, particularly those serving on the Planning & Highways Committee:

- The internal process for consideration by the Chair of planning applications received (which would usually be determined under officer delegations) for referral to the Planning & Highways Committee be reviewed. There needs to be clear records kept of meetings/consultations, including any declaration of interests by the Chair/Vice-Chair.
- Councillor request for updates on planning applications – it is expected that Councillors would be interested in planning applications in their ward, and would contact the planning department for information (although most information could be obtained from the Council's website). However, they should ensure this cannot be perceived as an attempt to seek to influence or question the planning officer's judgement on the particular applications. To ensure that this does not happen the planning department should also keep a record of enquires made by councillors on specific applications and the responses provided by officers. A suggestion would be to ask councillors to make any enquires by email, and responses to be provided by email. This would also provide some transparency and protect planning officers and councillors against allegations of bias etc (and the perception of that).

- Members of the Planning & Highways Committee and their involvement with applicants and objectors - advice and training should be provided to members of their role in protecting the integrity of the process by always demonstrating impartiality and avoiding or limiting their involvement with applicants/objectors, to reduce risks of any allegations of bias (or the perception of bias).
- Consider adopting a Planning Protocol for Members.

4. RATIONALE

The Committee has a role in promoting and maintaining high standards of conduct and make appropriate recommendations to Council in this regard. The Committee should therefore be informed and updated of the complaints received by the Monitoring Officer and update its progress.

5. LEGAL IMPLICATIONS

The Localism Act 2011 (“the Act”) places the Council under a duty to promote and maintain high standards of conduct for members (and co-opted members). This was delegated by the Council in August 2012 to the Standards Committee. Under the Constitution, the Standards Committee also has a role in assisting councillors (and co-opted members) to observe the Members Code of Conduct, and make appropriate recommendations to the Council with respect to:

- promoting and maintaining high standards of conduct and
- the provision of training, guidance and assistance for Members in relation to the Members’ Code of Conduct.

The Act also requires local authorities to adopt a Code of Conduct that is consistent with the ‘Nolan’ principles, and include provisions to regulate pecuniary and other interests. In addition, the local authorities are required to put in place arrangements for dealing with complaints both about Council Members and Parish/Town Council members. Under these arrangements, local authorities must appoint at least one ‘Independent Person’ who must be consulted before making a decision on a Member conduct complaint.

The Council has delegated authority to the Monitoring Officer to handle complaints and refer an investigation finding of breach to the Hearing Panel of the Standards Committee. The Monitoring Officer must handle the complaints in accordance with the Arrangements for dealing with complaints about the Code of Conduct for members

6. POLICY IMPLICATIONS

A good governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence. In this regard, the Committee must have confidence that complaints made for alleged breaches of the Code are considered impartially and objectively, and in accordance with the arrangements adopted by the Council.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

The Committee has a role in promoting and maintaining high standards of conduct. This report seeks to update the Committee of recent complaints received and progress, which would inform the Committee when considering any general recommendations to Council in relation to promoting and maintaining high standards of conduct.

Chief Officer/Member

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Background Papers: None