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11. **Recommendations from Cabinet Member for Policing and Equalities 21 March 2022 - Amendments to the Constitution - The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters**



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**Agenda Item 11
Council – 22nd March 2022
Recommendation from Cabinet
Member for Policing and
Equalities
21 March 2022**

**Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 12.30
pm on Monday, 21 March 2022**

Present:

Members: Councillor AS Khan (Cabinet Member)
Councillor P Akhtar (Deputy Cabinet Member)

Other Members: Councillor J Lepoidevin (Shadow Cabinet Member)

Employees (by Directorate):

Law and Governance: J Newman (Director), S Bennett, G Carter, G Holmes, S Harriott

Streetscene and
Regulatory Services: G Hood, T Wetherhill

Apologies: Councillor P Hetherton, Cabinet Member for City Services

RECOMMENDATIONS

34. Amendment to the Constitution - The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that the Members' Planning Code of Good Practice ("Model Code") was originally prepared in 2013-4 in response to a series of successful court challenges around local planning authorities and their Members' conduct or conflicts of interests. The Model Code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time. A copy of the Model Code was attached as Appendix A to the report.

The report sought approval to adopt a revised Code of Good Planning Practice for Members and Employees Dealing with Planning Matters (“Revised Planning Code”), amendments to which have been made in line with the Model Code and to remove the Revised Planning Code (as adopted) from the body of the Constitution and instead append the final document to the Constitution. A copy of the proposed Revised Planning Code was attached as Appendix B to the report.

The Model Code takes into account the following:

- a) Updates to the Seven Principles of Public Life (the ‘Nolan principles’);
- b) Commentary from the Committee on standards in public life;
- c) The changes in the approach to codes of conduct;
- d) The changes to predetermination introduced by the Localism Act 2011;
- e) The guide on ‘Openness and transparency on personal interests’ published by the Department for Communities and Local Government 2013.

Whilst broadly similar to the Model Code, the proposed revised Model Code contains some differences to the LLG version, in keeping with established practice at Coventry City Council. The main changes are as follows:

- a) References to “you should”, “your responsibility is” etc have been removed and replaced with “Members should”, “Members’ responsibility is etc”;
- b) At paragraph 3.2 the word “must” is used in relation to mandatory training for Members before sitting on the Planning Committee, ensuring that all Member must be trained before they attend Planning Committee meetings;
- c) Reference is made to the Employee Code of Conduct in regards to “Respect” at paragraph 4.2 to reiterate that this value is embedded in both the Employee and Member Codes of Conduct;
- d) Consideration of “material interests” has been clarified at paragraph 7.3.3;
- e) Paragraph 7.4 has been removed in its entirety as bias may not just exist in relation to Council owned land.

The current Code of Good Planning Practice for Members and Employees Dealing with Planning Matters (“Current Planning Code”) sits in the Constitution and has been absorbed into the Constitution over time despite the fact that it is a document that was intended to be “appended” to the Constitution.

The views of the Planning Committee had been sought on the proposed revisions and the Cabinet Member for Policing and Equalities was informed that Planning Committee

had endorsed the proposed revisions with the following proposed modifications, which were accepted by the Cabinet Member:-

- 1) At paragraph 1.2 (part of the introduction) in the third sentence, the word 'your' to be replaced by the word 'their'.
- 2) The wording at Paragraph 7.3.3 and 7.3.4 (which relate to what Members should keep in the front of their mind when making a decision) to be revised as follows:-

7.3 Members should keep at the front of their mind that, when they come to make the decision, they:...

7.3.3 represent the interests of the whole community,

7.3.4 must do so in accordance with the development plan (Local Plan) unless material considerations indicate otherwise,

7.3.5 must only take into account material planning considerations, which can include the views of the public where they relate to relevant planning matters (Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons),

7.3.6 are to come to a decision after giving what they feel is the right weight to those material planning considerations.

- 3) Removal of "Part 4C" from the header and title and simply naming the document as – *Code of Good Practice for Members and Employees Dealing with Planning Matters* – on the basis that this document will be removed from the body of the Constitution and will instead be appended to the Constitution.

RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council adopts the Revised Planning Code as attached as Appendix B to the report with the modifications as outlined in 1) -3) above, with effect from the start of the 2022/23 Municipal Year and authorises the Director of Law and Governance to update the City Council's Constitution to remove the Revised Planning Code from the body of the Constitution and instead append the Revised Planning Code to the Constitution.

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