

STANDARDS COMMITTEE – 14 JULY 2009

PROBITY IN PLANNING – THE ROLE OF COUNCILLORS

Report of the: Monitoring Officer

Status: For information purposes

Executive Summary: The report provides Members of the Committee with a copy of the Local Government Association's new edition of the Councillor's Guide, "probity in planning: the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters".

This report supports the Key Aim of effective management of Council resources.

Portfolio Holder Cllr. Elaine Bracken

Head of Service Head of Legal and Democratic Services – Christine Nuttall

Recommendation: Members are requested to note this report.

Background

- 1 This report provides Members of the Committee with a copy of the Local Government Association's new edition of the Councillor's Guide entitled "probity in planning: the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters" (the guidance) as exhibited as an Appendix to this report.

Introduction

- 2 This guidance provides refreshed advice on achieving the balance between the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.
- 3 Having a good understanding of the complete planning process will help standards committees to provide clear advice and champion good planning standards among councillors and officers.
- 4 The guidance is intended to facilitate the development of councillors' community engagement roles. The Nolan report resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. However, in the place-shaping context, early councillor engagement is now positively encouraged to ensure sustainable development proposals can be harnessed to produce the settlements that communities need.

- 5 The guidance recognises councillors' ability to participate in discussions prior to the receipt of a planning application on behalf of their communities and engaging in spatial planning policy formulation.

Options (and Reasons for the Recommendation)

- 6 The report is for information and discussion.

Key Implications

Financial

- 7 There are no significant financial issues arising from this report.

Impact on and Outcomes for the Community

- 8 Planning has a positive and proactive role to play at the heart of local government. It is a powerful tool that helps councils achieve the ambitions of local communities. Good planning stimulates growth and promotes innovation. It helps to translate goals for healthier communities, higher employment, better housing, reduced congestion, educational attainment, safe and sustainable communities into action through well-designed medical centres, offices, universities, homes, road and other facilities.
- 9 As a result it is vital that councillors and planning officers understand their roles and the context and constraints in which they operate.

Legal, Human Rights etc.

- 10 The legal implications are set out in the guidance.

Resource (non-financial)

- 11 No additional non financial resource implications are identified.

Value For Money and Asset Management

- 12 There are no identifiable value for money and asset management implications associated with the contents of this report.

Equality

- 13 All members of the public have access to the information contained within this report and the guidance should enhance equality of opportunity within the community.

Sustainability Checklist

- 14 The guidance should promote the ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.

Conclusions

- 15 The guidance covers all the main aspects of the planning decision making process. It is a practical guide that emphasises the importance of open and transparent decision-making.

Risk Assessment Statement

- 16 The Standards Committees should be aware of the guidance that will help achieve a nationally consistent approach in respect of setting and advising on local ethical and standards issues in relation to the planning process. For councillors and officers to ignore this guidance could have far reaching affects for the authority in eroding public confidence in the planning process and could ultimately lead to judicial challenge.

Sources of Information: The Appendix to this report – revised guidance can be found at <http://www.lga.gov.uk/lga/publications/publication-display.do?id=1940403>

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