



## STANDARDS COMMITTEE

Wednesday, 2 February 2022 at 6.30pm

**Meeting to be held at Belle Vue Suite, Belle Vue Square, Skipton.**

**Committee Membership:** The Chairman (Councillor Ireton) and Councillors Mercer, Metcalfe, Solloway and Whitaker.

**Parish Council Representatives** (non-voting): Dan Balsamini and Marion Swales.

**Independent Persons** (non-voting): John Boumphrey and Roger Millin.

**Please note the following advice in advance of the meeting:**

The Government temporarily removed the legal requirement for local authorities to hold meetings in person during the Covid-19 pandemic. All local authorities were given new powers to enable meetings to take place virtually. The Council's powers to hold remote meetings expired on 7 May 2021.

Whilst the return to face to face meetings provides significant challenges, the Council has undertaken a great deal of work to ensure that face to face meetings are delivered in a COVID safe environment.

Due to social distancing measures, spaces for public attendance are limited and so registration is essential to secure a place.

Everyone who attends this meeting will be required to wear a face covering, unless exempt.

Council staff, elected members and members of the public are urged to take advantage of the national 'next step safely' campaign and access a free, rapid lateral flow test in advance of the meeting:

<https://www.nhs.uk/conditions/coronavirus-covid-19/testing/> Please note that whilst this is advised, it is not a requirement for entry to the meeting.

Anyone displaying Covid-19 symptoms is asked not to attend.

For more information email [committees@cravencd.gov.uk](mailto:committees@cravencd.gov.uk)

Thank you,  
Democratic Services

# AGENDA

1. **Apologies for Absence** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 21 July 2021.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have on items appearing on this agenda, including the nature of those interests and whether they wish to apply the exception below.

**Note:** Declarations should be in the form of either:

- a “**disclosable pecuniary interest**” under Appendix A to the Code of Conduct, in which case the Member must leave the meeting room; or
- an “**other interest**” under Appendix B of the Code. For these interests, the Member may stay in the meeting room, although they must leave if membership of the organisation results in a conflict of interest.

**Exception:** Where a member of the public has a right to speak at a meeting, a Member who has a disclosable pecuniary interest or an other interest and must leave the room, has the same rights and may make representations, answer questions or give evidence, but at the conclusion of that, must then leave the room and not take part in the discussion or vote.

5. **Whistleblowing Policy** – Report of the Solicitor to the Council (Monitoring Officer)

Purpose of report – To review the Whistleblowing Policy to ensure it reflects best practice and remains fit for purpose.

6. **Local Government & Social Care Ombudsman** – Report of the Solicitor to the Council (Monitoring Officer)

Purpose of report – To provide the Committee with a copy of the Ombudsman’s Annual Review Letter 2020/2021.

7. **Planning Scheme of Delegation** – Report of the Solicitor to the Council (Deputy Monitoring Officer)

Purpose of report – To consult with Standards Committee on the proposed amendments to the Planning Scheme of Delegation designed to improve the overall performance of the Planning Services.

8. **Monitoring Report** – Report of the Solicitor to the Council (Monitoring Officer)

Purpose of report – To provide Members with an update on the number and progress of Code of Conduct complaints received.

9. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

**10. Date and Time of Next Meeting** – Wednesday, 2 March 2022 at 6.30pm.

**Agenda Contact Officer:**

David Smith, Democratic Services and Scrutiny Officer

E-mail: [dsmith@cravendc.gov.uk](mailto:dsmith@cravendc.gov.uk)

**Recording at Council Meetings:** Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to

- (a) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (b) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

## **STANDARDS COMMITTEE**

21 July 2021

**Present** – Councillors Ireton (Chairman), Metcalfe, and Whitaker.

**Independent Persons (non-voting):** Roger Millin and John Boumphrey.

**Parish Representative (non-voting):** Marion Swales.

**Officers** – Solicitor to the Council (Monitoring Officer) and Democratic Services and Scrutiny Officer.

Apologies – Councillors Mercer and Solloway and Parish Representative Dan Balsamini.

Start: 6.30pm

Finish: 18.55pm

The minutes of the Committee's meeting held on 10 March 2021 were confirmed as a correct record.

### **Minutes for Report**

STN.386

#### **WORK PROGRAMME 2021/2022**

The Solicitor to the Council (Monitoring Officer) submitted a report which invited Members to consider and set the Work Programme for the 2021/2022 municipal year.

It was suggested that the Council's Whistleblowing Policy and Probity in Planning Guidance was reviewed. The Policies were last reviewed in 2018. Members were reminded that unscheduled items may be constituted on an ad-hoc basis.

**Resolved** – That the work of the Committee during 2020/21 is noted and the Committee's Work Programme for 2021/2022 is agreed.

STN.387 **LOCAL GOVERNMENT ASSOCIATION – MODEL COUNCILLOR CODE OF CONDUCT (2021)**

The Solicitor to the Council (Monitoring Officer) submitted a report which updated the Committee in respect of the Local Government Association Model Councillor Code of Conduct 2021. The LGA published the supporting guidance which would be presented to the Committee at its next meeting. Members emphasised the importance that a gap-analysis was carried out between the Model Coe and the Council's Code of Conduct for Members.

**Resolved** – That the contents of the Local Government Association Model Councillor Code of Conduct is noted and the Monitoring Officer is tasked to carry out a gap-analysis between the Model Code and the Council’s Code of Conduct for Members and reports back findings.

STN.388

**STANDARDS BULLETIN 2020/21**

The Standards Bulletin 2020/21 was submitted to members. Members congratulated the Democratic Services and Scrutiny Officer on the work that she had produced.

**Resolved** – That the Standards Bulletin 2020/21 is noted.

STN.389

**MONITORING REPORT**

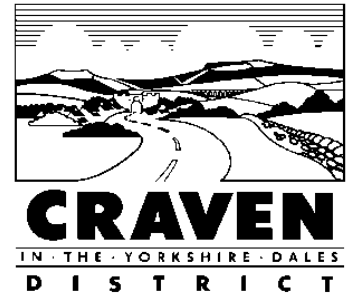
The Solicitor to the Council (Monitoring Officer) submitted a report which updated Members on the Code of Conduct complaints received following the last report to Committee on 4 November 2020. Members noticed the significant increase in complaints and were updated with the progress of each alleged breach.

**Resolved** – That the Monitoring Report to date is noted.

*Chairman*

**Standards Committee –  
2<sup>nd</sup> February 2022****WHISTLEBLOWING POLICY**

Report of the Solicitor to the Council

**Ward(s) affected: All****1. Purpose of Report**

- 1.1 To review the Whistleblowing Policy to ensure it reflects best practice and remains fit for purpose.

**2. Recommendations – Members are recommended to:**

- 2.1 Consider the current Whistleblowing Policy and decide what action to take.

**3. Report****Introduction**

- 3.1 At its meeting on the 21<sup>st</sup> July 2021, the Committee agreed a work programme in line with the Committee's terms of reference. A review of the Council's Whistleblowing Policy was included in that work programme.

**Background**

- 3.2 The Committee's terms of reference include *'to review, at least every two years, ... local codes and protocols... and to recommend changes to the Council meeting.'* Also *'to monitor the operation of the codes and protocols and to advise Members'*. The last detailed review of the Whistleblowing Policy ('the Policy') was carried out in 2017. A copy of the Policy appears at Appendix 1.

**Report**

- 3.3 The extensive review undertaken by the Committee in 2107 resulted in changes being made to the Policy. Since the adoption of the current version, the Monitoring Officer has received two whistleblowing reports. Both have been investigated and concluded with no issues being identified in the practical operation of the Policy.
- 3.4 In advance of this review, the Monitoring Officer contacted the Corporate and Senior Leadership teams and asked colleagues for any comments they may have about the current Policy and the review.
- 3.5 The responses received at the time of publication fell neatly into two categories: nothing to add to the current Policy and concern about

undertaking a review at this time. Any further responses received will be presented to the Committee.

3.6 With senior officers content that the current Policy remains fit for purpose and with local government reorganisation now scheduled for April 2023, it is suggested that the Committee undertakes a 'light touch' review of the Policy.

3.7 It is however recommended that the Policy uses gender neutral terminology in the future.

3.8 Members are asked to review the Policy and consider what action to take.

#### **4. Financial and Value for Money Implications**

4.1 None arising directly from the content of this report.

#### **5. Legal Implications**

5.1 None arising directly from the content of this report.

#### **6. Contribution to Council Priorities**

6.1 Robust ethical government arrangements ensure the proper, efficient, and effective discharge of the Council's functions.

#### **7. Risk Management**

7.1 Not applicable.

#### **8. Equality Impact Analysis**

8.1 Not applicable.

#### **9. Consultations with Others**

9.1 Not applicable.

#### **10. Background Documents**

10.1 None

#### **11. Appendix**

- Appendix 1 – Whistleblowing Policy

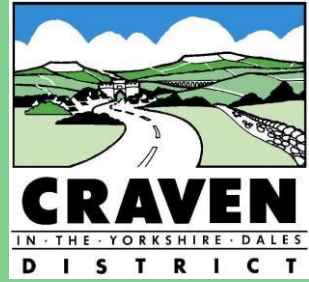
#### **12. Author of the Report**

Name: Annette Moppett, Solicitor to the Council (Monitoring Officer)

Telephone: 01756 706325

E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



# **Craven District Council**

## **Whistleblowing Policy**

**Last Updated: November 2017**  
**Approved: Standards Committee (STN.333)**



## INTRODUCTION

- 1.1 At Craven District Council we want to make sure that we are providing excellent services to the residents of Craven. Our staff, councillors, partners and contractors have an important role to play in achieving this goal and we expect everyone to be committed to our high standards of service which are based on the principles of honesty, openness and accountability. We know that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law, resulting in some very serious consequences.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The Council is committed to the highest possible standards of openness, honesty, integrity, preventing and detecting fraud and corruption and it is everyone's responsibility to pursue these aims. In line with that commitment, we encourage anyone with serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.4 This policy document makes it clear that you can come forward and voice your concerns without fear of suffering from any form of retribution. This **Whistleblowing Policy** is intended to encourage and enable you to raise serious concerns **within** the Council rather than ignoring your concerns, feeling helpless, or making the matter public. We want you to feel that it is safe and acceptable to tell us about your concerns so that we can investigate and take action as soon as possible.
- 1.5 The policy applies to you whether you are a permanent or temporary employee, agency or casual member of staff or if you work as a contractor or volunteer.
- 1.6 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some service units.
- 1.7 This policy has been discussed with the relevant trade unions and professional organisations who would like to support such a policy.

## 2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
  - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;

- provide you with the means to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to take the matter further if you are dissatisfied with the Council's response; and
- reassure you that you will be protected from possible reprisals, harassment or victimisation if you believe that you have acted in the public interest.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Policy is intended to cover major concerns that fall outside the scope of other HR policies. These include:

- Conduct which is an offence, or a breach of the law;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- Unauthorised use of public funds; □ Fraud and corruption; and
- Other unethical conduct.

2.3 **Any serious concerns that you have about any aspect of service provision or the conduct of officers or Members of the Council, or others acting on behalf of the Council can be reported under the Whistleblowing Policy.** This may be about something that:

- makes you feel uncomfortable in terms of your experience of the standards you believe the Council subscribes to;
- is against the Council's Standing Orders, Financial Procedure Rules; □ falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does **not** replace the Council's Comments, Compliments and Complaints Procedure.

### 3. SAFEGUARDS

#### Harassment or Victimisation

3.1 The Council is committed to good practice and high standards and wants to support its employees.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If a concern is reported in reasonable belief and in the public interest, you should have nothing to fear because you will be doing your duty to the Council and to those for whom you are providing a service.

- 3.3 The Council will not tolerate harassment or victimisation (including informal pressures) and will take appropriate action to protect any one who raises a concern in accordance with this Policy. Also, the law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistleblowing disclosure considered to be in the public interest.
- 3.4 Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect you.

## **4. CONFIDENTIALITY**

- 4.1 This Policy encourages you to put your name to your allegation whenever possible.
- 4.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity without your permission. However, if you agree, you may be called as a witness at the appropriate time, in order to prove the case.
- 4.3 If a case comes before the Court, your evidence may prove crucial. Whilst the Council will take reasonable steps to conceal your identity, there is the possibility it may have to be disclosed for the purposes of criminal investigation or to provide evidence in Court.
- 4.4 At some stage it is likely that the person against whom you are making a complaint will be spoken to. Every effort will be made to ensure your confidentiality, however the circumstances of the case may unavoidably infer your identity. In such cases, wherever practicable, you will be consulted beforehand.

## **5. ANONYMOUS ALLEGATIONS**

- 5.1 Concerns can be expressed anonymously or through a union representative, but they may be more difficult to investigate. The Council will have to use its discretion to determine if enough relevant information has been provided to decide if an investigation is warranted.
- 5.2 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

## **6. OUR ASSURANCES TO YOU**

- 6.1 If you raise a genuine concern you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in the public interest, in reasonable belief, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue in which case disciplinary action may be taken against them.
- 6.2 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity we will not disclose it without your consent. If we are unable to resolve the concern without revealing your identity (for example, because your evidence is needed in court), we will discuss with you how you wish to proceed.
- 6.3 Remember, if you do not tell us who you are, it will be more difficult for us to look into the matter, or to obtain further information, or to protect your position or to give you feedback.
- 6.4 Any officer or member who discloses confidential information about an on-going investigation, or in any way compromises that investigation, will be dealt with in accordance with the Council's adopted policies and procedures.

## **7. HOW TO RAISE A CONCERN**

- 7.1 As a first step, you should normally raise concerns with your immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your manager is involved, you should raise the matter with one of the following:

Chief Executive;  
Solicitor to the Council (Monitoring Officer);  
Chief Finance Officer (s151 Officer); or  
Audit Services Manager (Harrogate Borough Council).

You should receive a written acknowledgement within five working days (see paragraph 8.5 below) but if you do not please contact either the Solicitor to the Council or the Chief Finance Officer (or ask your representative to).

- 7.2 Concerns may be raised verbally or in writing. If wish to make a written report you are asked to include the following information:
- the background and history of the concern (giving relevant dates);
  - details of any evidence you may have or may be able to point to;
  - the reason why you are particularly concerned about the situation.

- 7.3 The earlier you express your concern; the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of the allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 You can seek confidential advice and guidance on how to pursue matters of concern by contacting one of the officers listed in paragraph 7.1 above, or your union representative or Human Resources.
- 7.6 You may also seek advice from the independent charity, Protect (formerly Public Concern at Work) whose legal advisers can provide free confidential advice at any stage about how to raise a concern about serious malpractice at work. Their contact details are:

*The Green House*  
*244-254 Cambridge Heath Road*  
*LONDON*  
*E2 9DA*

Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

You may also seek advice from your trade union representative as well and invite your trade union representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

- 7.7 The staff counselling service is also available to all employees who are experiencing difficulties or challenges at work (or at home). The service is completely confidential, is independent and can be accessed by self-referral. Oasis Peoplecare can be contacted on 0800 9757 141 or email [op@oasisschool.org.uk](mailto:op@oasisschool.org.uk).

## **8. HOW THE COUNCIL WILL RESPOND**

- 8.1 The Council will respond to your concerns. Do not forget that the Council may need to test out your concerns. Doing so is not the same as doubting or rejecting them.
- 8.2 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally by either the Chief Executive, Solicitor to the Council, Chief Finance Officer or the Audit Services Manager, whoever is most appropriate in the individual circumstances. No one else would be delegated this task. Matters relating to fraud/money will be investigated by the Chief Finance Officer or Audit Services Manager;
  - be referred to the Police;

- be referred to the External Auditor; and/or  form the subject of an independent inquiry.
- 8.3 In order to protect individuals and those accused of an offence or possible malpractice, initial discreet enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, fraud or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this may be taken before any investigation is conducted.
- 8.5 Within five working days of a concern being raised, the Council will write to you or email, acknowledging that your concern has been received. It is your responsibility to inform your representative (if you have appointed one) of communications between you and the Council.
- 8.6 Within ten working days of a concern being raised, the Council will write to you again:
- indicating how the matter will be dealt with;
  - invite you to suggest how best to contact you e.g. inside or outside office hours, by work or personal email etc.;
  - giving an estimate of how long it will take to provide a final response;
  - telling you whether any initial enquiries have been made;
  - telling you whether further investigations will take place; and if not, why not; and
  - giving you information on the support available to you.
- 8.7 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of information provided. You may be asked to provide further information.
- 8.8 When any meeting is arranged, you have the right if you so wish, to be accompanied by a representative of your choice as outlined in 7.6 above.
- 8.9 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive support from Witness Service.

8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, you will be given appropriate information about the outcomes of any investigation.

## **9. THE RESPONSIBLE OFFICER**

9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy and will liaise, where necessary with Internal Audit and/or the Chairman of Audit and Governance Committee. The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Audit and Governance Committee.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

10.1 This Policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes that you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contact points:

- The *External Auditor*;
- The Police;
- Relevant professional bodies or regulatory organisations;
- The Health and Safety Executive; or
- The Chairman of Standards Committee.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. You should check this with the person you contact.

## **11. THE LAW**

11.1 This policy and procedure has been written down to take account of The Public Interest Disclosure Act 1998, which protects staff making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

11.2 The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by the Local Government Act 1988, the Local Government and Housing Act 1989 and the Accounts and Audit Regulations 2003.

## **12. REVIEW**

12.1 This policy will be reviewed every two years or earlier if circumstances require it.



If you would like this information in a way which is better for you, please telephone 01756 700600.

Craven District Council  
Council Offices  
1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ

Tel: 01756 700600

Email: [contactus@cravendc.gov.uk](mailto:contactus@cravendc.gov.uk)

Website: [www.cravendc.gov.uk](http://www.cravendc.gov.uk)

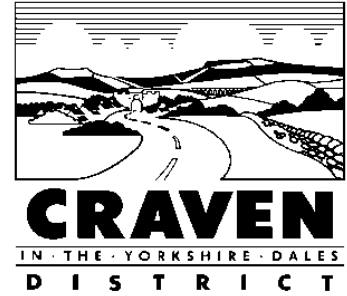


INVESTOR IN PEOPLE



**Standards Committee –  
2<sup>nd</sup> February 2022**

**LOCAL GOVERNMENT & SOCIAL CARE  
OMBUDSMAN  
Review Letter 2020/2021**



Report of the Solicitor to the Council

**Ward(s) affected: All**

**2. Purpose of Report**

- 1.1 To provide the Committee with a copy of the Ombudsman's Annual Review Letter 2020/2021.

**4. Recommendations – Members are recommended to:**

Note the Ombudsman's Annual Review Letter for 2020/2021.

**5. Report**

**Background**

- 3.1 Under the Council's Constitution, Standards Committee has responsibility for the oversight of complaints handling, including complaints to the Local Government and Social Care Ombudsman ('the Ombudsman').
- 3.2 The Ombudsman issues an annual overview of complaints received in the form of an Annual Review Letter, which is sent to all authorities at the same time providing a breakdown of the number of complaints received against each authority.

**Report**

- 3.3 A copy of the Ombudsman's report for Craven District Council for the year 2020/2021 is attached at Appendix A.
- 3.4 For Members information, the number of complaints received by the Ombudsman over the last three years is as follows:

## AGENDA ITEM 6

Year	Number	Related To (number)	Decisions Made (number)*
2020/2021	13	Planning & Development (7) Benefits & Tax (5) Corporate & Other Services (1)	Referred back for local resolution (3) Closed after initial enquiries (6) Upheld (2)
2019/2020	5	Planning & Development (5)	Referred back for local resolution (1) Closed after initial enquiries (5) Not upheld (1)*
2018/2019	16	Planning & Development (11) Benefits & Tax (1) Corporate & Other Services (1) Environmental Services & Public Protection (3)	Referred back for local resolution (6) Closed after initial enquiries (8) Upheld (2)

\*This number will not be the same as the number of complaints received as some complaints are made in one year and decided in the next.

3.5 The Deputy Monitoring Officer will become the single point of contact for the Ombudsman in due course.

#### 4. Financial and Value for Money Implications

4.1 None arising directly from the content of this report.

#### 6. Legal Implications

5.1 None arising directly from the content of this report.

#### 6. Contribution to Council Priorities

6.1 Robust ethical government arrangements ensure the proper, efficient and effective discharge of the Council's functions.

#### 7. Risk Management

7.1 Not applicable.

#### 8. Equality Impact Analysis

8.1 Not applicable.

**13. Consultations with Others**

9.1 Not applicable.

**14. Background Documents**

10.1 None

**15. Appendix**

- Appendix 1 – Annual Review Letter 2020/2021

**16. Author of the Report**

Name: Annette Moppett, Solicitor to the Council (Monitoring Officer)

Telephone: 01756 706325

E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

# Local Government & Social Care OMBUDSMAN

21 July 2021

*By email*

Mr Shevlin  
Chief Executive  
Craven District Council

Dear Mr Shevlin

## **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

## **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

We issued one public report about your Council this year and its policy for paying discretionary grants to businesses impacted by the COVID-19 pandemic. Two businesses complained to us stating the Council had not assessed their applications fairly. We recognised the Council had to introduce this policy at short notice in unprecedented circumstances, but key parts of the policy were not explained to the businesses applying. The Council did not publicly explain that it would give preference to some business sectors over others, or that it would pay grants to certain larger businesses whom it had publicly said were excluded from the scheme. We also found a confusing picture of how individual applications were assessed, with insufficient audit trails for the decisions made.

We could not say if these faults resulted in a lesser award for the businesses who complained to us, but we considered the business owners had experienced unnecessary uncertainty. We asked the Council to apologise and make a payment to each of them to reflect their injustice. We also asked the Council to review how, if it is asked to administer similar schemes at short notice in the future, it can ensure a better standard of record keeping and decision making, even when acting in a crisis.

I was disappointed to read local press coverage reporting the Council leader's apparent disagreement with our findings. I would remind the Council that our findings of fault and injustice are binding and can only be challenged through the courts. Similarly, it has been disappointing to learn that elected members have refused to implement the relatively modest recommendations to remedy the injustice we found the complainants had suffered. We will contact you about this again shortly.

## **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use

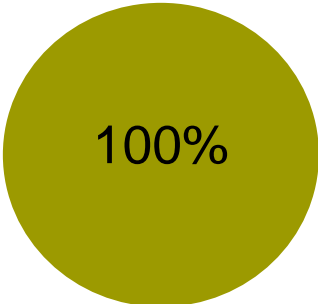
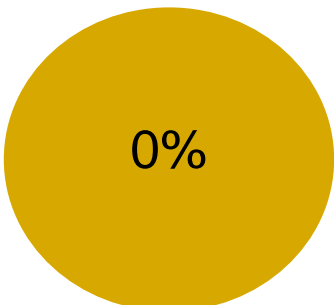
the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>100%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>53%</b> in similar authorities.</p>	<p><b>2</b> upheld decisions</p> <p>Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
<p>No recommendations were due for compliance in this period</p>		
Satisfactory remedy provided by the authority		
	<p>In <b>0%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>16%</b> in similar authorities.</p>	<p><b>0</b> satisfactory remedy decisions</p> <p>Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

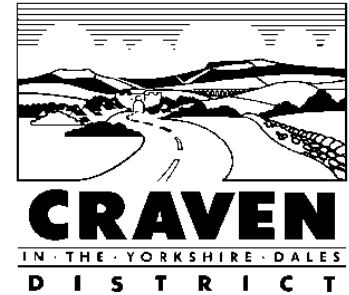
**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

**Standards Committee –  
2 February 2022**

**Planning Scheme of Delegation**

**Report of the Solicitor to the Council**

**Lead Member – Cllr Simon Myers**



**Ward(s) affected: All outside the Yorkshire Dales National Park**

**3. Purpose of Report**

- 1.1 To consult with Standards Committee on the proposed amendments to the Planning Scheme of Delegation designed to improve the overall performance of the Planning Services.

**6. Recommendations – Members are recommended to:**

- 2.2 Note the proposed revised Planning Scheme of Delegation.
- 2.3 Provide any consultation response from the Standards Committee to the Audit and Governance Committee.

**7. Report**

- 3.1 The proposed Planning Scheme of Delegation was due to be considered by Policy Committee on 17 January 2022. That meeting was cancelled due to the high number of Covid cases and the Chief Executive held a virtual consultation with Members of Policy Committee before exercising his emergency decision making powers. At the consultation members were supportive of the revised Scheme of Delegation.
- 3.2 The report on the Planning Scheme of Delegation was noted and referred to the Standards Committee and Audit and Governance Committee for consideration.
- 3.3 Planning Committee Members have also been consulted on the Scheme of Delegation and any comments received will be reported to Audit and Governance Committee.
- 3.4 A copy of the report on the Planning Scheme is attached at **Appendix 1** for consideration. The report has been amended at 4.4 to correct an error identified at the virtual consultation.
- 3.5 Any comments from Standards Committee will be reported to Audit and Governance Committee.



**4. Implications**

**4.1 Financial Implications**

There are no financial implications arising from this report.

**4.2 Legal Implications**

There are no legal implications arising from this report.

**5. Contributions to Priorities**

**5.1 Corporate Priorities**

The proposals in this report support the Council priority of “Supporting the Well-being of our Communities”.

**5.2 Impact on the declared Climate Emergency**

This report does not have a negative impact on climate change.

**6. Risk Management**

The changes to the call-in process aim to help improve the overall performance of the planning process by processing applications in a timelier manner but also provide clarity to the process

**7. Chief Finance Officer (s151 Officer) Statement**

A Chief Finance Officer Statement is not required for this report.

**8. Monitoring Officer Statement**

The Planning Scheme of Delegation forms part of the Council’s Constitution (Part 3) and consequently any proposed changes must be approved by the Council Meeting after consideration by Audit & Governance Committee and in some circumstances, Standards Committee,

**9. Consultation with Others**

The following consultation has taken place on the substantive report at Appendix 1;  
Planning Improvement Sounding Board  
Policy Committee  
Planning Committee

**10. Appendices**

Appendix 1 Report of the Director of Services

**11. Author of the Report**

Name; Lisa Lord, Solicitor to the Council and Deputy Monitoring Officer

Telephone: 07701 399979

E-mail: [llord@cravendc.gov.uk](mailto:llord@cravendc.gov.uk)

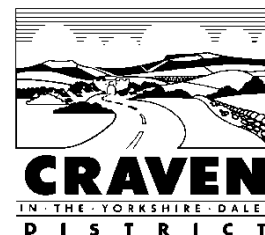
Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

# Amendments to Planning Scheme of Delegation

Report of the Director of Services

Lead Member –Cllr Simon Myers

Ward affected: All Wards outside of the Yorkshire Dales National Park



## 1. Purpose of Report

- 1.1 To seek approval to amendments to the Planning Scheme of Delegation designed to improve the overall performance of the Planning Service.

## 2. Recommendations

- 2.1 To note the proposed revised Planning Scheme of Delegation.
- 2.2 To forward the proposed revised Planning Scheme of Delegation for consideration by the Standards Committee and the Audit and Governance Committee.

## 3. Background

- 3.1 The Peer Review in 2020 highlighted the need to review the process of calling in planning application in particular the 7-day notice procedure which allows Members 7 days to call in a planning application that has received consultation responses that are contrary to the recommended decision. Elected members have an important role in the planning process as they represent the interests of the whole community. Best practice guidance is that Planning Officers make delegated decisions on straightforward planning applications, these will likely be over 90% of the planning applications received by the council. This gives the planning committee more time to focus on the strategic or controversial applications.
- 3.2 This 7-day notice procedure is noted as an almost unique process that creates additional work, introduces delays for some applications of up to two weeks and also adds confusion to the process for applicants, the public, as well as Members and officers. The 7-day notice does provide a “back stop” for Members if they wish to call in an application for planning reasons or where there is a high degree of public interest, but it does mean that applications are placed on 7-day notice that are neither strategic nor controversial.

- 3.3 It is important to clarify that the 7-day notice is not used frequently by members and so it does not generate a significant burden to the Planning Committee, but the delays are caused by the need to prepare for the 7-day notice, the actual 7 days and then resolving the process can be up to two weeks even when an application is not called in.
- 3.4 In reviewing the call-in process we have assessed the approaches of other authorities to understand what is normal practice and to assess if there are any suitable alternatives and also we have held a Planning Improvement Sounding Board to test approaches and understand what Member's value. The recommended approach in this report has been agreed by the Sounding Board.

#### **4. Proposed Changes**

- 4.1 In developing a call-in procedure the following criteria need to be considered:
- Is the process easy for officers, members, public and applicants to understand?
  - Does it allow Members to scrutinise strategic or controversial applications?
  - Are unnecessary delays in processing all applications avoided?
- 4.2 The proposed changes to the call-in process aims to shift the emphasis to earlier in the application decision making process so that any decision benefits from better information and greater clarity in the route - delegated or planning committee. The aim is to move to a new 28-day call in period after the start of the publicity period as being the key point when applications will be called in. The 7-day notice process will be retained with some modifications to allow a "back stop" for those applications.
- 4.3 The new process and in particular the emphasis on the 28 days call in date will be monitored and this will be reported to the Sounding Board.
- 4.4 Summary of the proposed changes are therefore:
- Change from 21 to 28 days call in from the release of the weekly list.
  - Call in can be made by any Member whose Ward is affected and not just the ward member
  - Call ins made through the 28 days notice can be withdrawn by the Councillor up to the point of Committee agendas are released
  - Planning reason must be given for the referral to the Planning Committee
  - Reduce the number of respondents that trigger the 7-day notice to statutory consultees and parish councils

- Officers to have early discussion and have on-going dialogue with members on strategic and controversial applications

4.5 The Planning workstream to create the new North Yorkshire Council is currently developing a unified approach across the new authority including the scheme of delegation. They are aiming to establish this new approach by day 1 of the new authority – 1 April 2023 – so the proposed changes in this report are likely to be in force for the next 12 months.

## **5. Implications**

### **5.1 Financial Implications**

There are no financial implications arising from this report.

### **5.2 Legal Implications**

There are no legal implications arising from this report.

## **6. Contributions to Corporate Priorities**

The proposals in this report support the Council priority of “Supporting the Well-being of our Communities”.

### **6.2 Impact on the declared Climate Emergency**

This report does not have a negative impact on climate change.

## **7. Risk Management**

The changes to the call-in process aim to help improve the overall performance of the planning process by processing applications in a timelier manner but also provide clarity to the process

## **8. Chief Finance Officer (s151 Officer) Statement**

A Chief Finance Officer Statement is not required for this report.

## **9. Monitoring Officer Statement**

The Planning Scheme of Delegation forms part of the Council’s Constitution (Part 3) and consequently any proposed changes must be approved by the Council Meeting after consideration by Audit & Governance Committee and in some circumstances, Standards Committee,

## **10. Consultation with Others**

Planning Improvement Sounding Board

## **11. Appendices**

Annex 1 - Draft Revised Planning Scheme of Delegation

Annex 2 - Existing Scheme of Planning Delegation

Annex 3 - Comparison of Member Call in Procedures in North Yorkshire  
Councils

## **13. Author of the Report**

David Smurthwaite, Strategic Manager, Planning and Regeneration  
dsmurthwaite@[cravenc.gov.uk](mailto:dsmurthwaite@cravenc.gov.uk) 01756 706409

## Draft Revised PLANNING SCHEME OF DELEGATION

### Part 3 – Responsibility for Functions Planning Scheme of Delegation

#### PLANNING SCHEME OF DELEGATION

The Strategic Manager for Planning and Regeneration is delegated to undertake all functions in connection with planning (subject to the limits, controls and conditions below) including Listed Buildings, Advertisement Consent, Certificate of Lawfulness applications (in consultation with the Council Solicitor), Planning Enforcement and the preservation of Trees and Hedges.

#### Limits, Controls and Conditions

This delegation is limited and shall not apply to:

**1. Environmental Impact Assessment**

Applications Any application which is accompanied by an Environmental Impact Statement.

**2. Significant Departure Applications**

Any application which is defined as a significant departure from the adopted development plan as identified in the Town and Country Planning (Consultation) (England) Direction 2009 or in any successor Direction or document (see definition below) and where officers wish to approve the development.

**3. Major Departure Applications**

The application is a major departure in the opinion of the Strategic Manager Planning and Regeneration and the application is recommended for approval.

**4. Council Applications**

Any applications made by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwelling house or external alterations to a building with no significant extensions proposed.

**5. Applications by District Councillors**

Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents or siblings.

**6. Applications by Members of Staff**

Any application made by an employee within the Development Management, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the

partner, children, parents, grandparents or siblings of any of the persons referred to above will also be referred to the Planning Committee for determination.

#### **7. Ward Member Referrals**

Where a ~~ward~~ member requests, in writing, within ~~21~~ 8 days of the receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest), that an application be presented to the Planning Committee for decision, identifying the planning reasons for the referral and how the development affects their ward and agreed with the ~~Planning Manager~~ Strategic Manager Planning and Regeneration in consultation with the Chairman of the Planning Committee

The Member who referred the application within 28 days of the publication of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest), can withdraw the referral at any point up to the publication of the Planning Committee agenda.

Footnote: As worded Category 7 referrals enable Members other than the Member for the Ward within which the site is located to seek the referral to Committee where the development would have an effect on their ward.

#### **8. The 7-day notice procedure.**

Where representations by ~~any person, body or organisation~~ Town or Parish Council (including a Parish meeting) have been received (either in support or against the proposal) within the 21 day consultation/publicity period and these representations are contrary to the recommendations of Officers a notice shall be sent to the Chairman and Vice Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision. This procedure will not apply to applications for "prior approval" under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) since such applications benefit from a deemed approval if not determined within the statutory time limits.

##### **Interpretation of the 7-day notice procedure.**

Where a Town or Parish Council indicate that they have "no objection" or "no comment" to an application this will be taken as a declaration of a neutral stance that is neither in support of nor against a proposal and accordingly will not trigger a requirement for an application to be referred to the Chairman, Vice Chairman and ward Member(s) under the 7-day notice procedure.

~~Similarly, a representation supporting an application will not trigger the 7-day notice procedure if the Officer recommendation is one of approval.~~

With the exception of consultations to Town and Parish Councils referred to above the 7-day notice procedure shall not apply in respect of representations received from any statutory consultee who has been notified of the application in accordance with Articles 18, 19, 20 and 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking or re-enacting that Order) or from any non-statutory consultee.



Where a Town or Parish Council ~~third party representations~~ have supported ~~been received solely supporting~~ an application the 7-day notice procedure will not be triggered if the Officer recommendation is for approval.

Where a Town or Parish Council ~~third party representations~~ have been received solely objecting to an application the 7-day notice procedure will not be triggered if the Officer recommendation is for refusal.

~~The 7 day notice procedure will apply to all applications where there are both objections and support for an application.~~ In all cases the representations of Town and Parish Councils must be on material planning grounds to be considered under category 8.

## 9 Repeat applications

Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the Planning Committee. This will not apply to applications to vary or delete conditions under section 73 of the Town and Country Planning Act 1990 unless those conditions were explicitly imposed by the Planning Committee. This will not apply to applications for non-material amendments to an approved scheme under Section 96A of the Town and Country Planning Act 1990 (as amended).

## 10 Referrals by Strategic Manager

Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

### Definitions

Significant departures are defined as the following in the Town and Country Planning (Consultation) (England) Direction 2009 where the Local Planning Authority wishes to approve the proposal in terms of the following:

- Development which includes or consists of retail, leisure or office use and which:
  - a. Is to be carried out on land, which is edge of centre, out of centre or out of town; **and**
  - b. Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: **and**
  - c. Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
    - I. 5000 square metres or more: or
    - II. Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace would exceed 5000 square metres.
- Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their settings, including any buffer zone or its equivalent, and being development to which Historic England has objected to and that objection not having been withdrawn.
- Playing field development where the land subject of the application:
  - i. Is land of a local authority; or

- ii. Is currently used by an educational institution as a playing field; or
- iii. Has at any time in the 5 years before the application been used by an education institution as a playing field: and
- iv. Sport England has been consulted and has objected on one or more of the following grounds:
  - a. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority.
  - b. That the proposed development would result in such a deficiency; or
  - c. That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quality, quantity or accessibility) that which would be lost.
- Major development in flood risk areas to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority

## **Existing Scheme of Planning Delegation**

### **Planning Scheme of Delegation**

Delegated to Strategic Manager for Planning and Regeneration to undertake all of the Council's functions in connection with planning including Listed Buildings, Conservation Area Consent, advertisement consent and certificate of lawfulness applications, planning enforcement and the preservation of trees and hedges.

### **Limits, Controls and Conditions**

This delegation is limited and shall not apply to:

1. Any application which is accompanied by an Environmental Impact Statement.
2. Any application which is defined as a significant departure from the adopted development plan as identified in the Town and County Planning (Consultation) (England) Direction 2009 or in any successor document (see definition below) and where officers wish to approve the development.
3. The application is a major departure in the opinion of the Strategic Manager Planning and Regeneration and the application is recommended for approval.
4. Any applications made by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwelling house or external alterations to a building with no significant extensions proposed.
5. Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents or siblings.\*
6. Any application made by an employee within the Development Control, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the partner, parents or children of any of the persons referred to above will also be referred to the Planning Committee for determination.
7. Where the ward member requests, in writing, within 21 days of receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest date), that an application be presented to the Planning Committee for decision, identifying the planning reasons for the referral and agreed with the Planning Manager, the Chairman and Vice-Chairman.

Footnote: As worded Category 7 referrals enables Members other than the Member for the Ward within which the site is located to seek the referral to Committee where the development would have an effect on their Ward.

8. Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period, and these representations are contrary to the recommendations of officers, a notice shall be sent to the Chairman and Vice-Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision. This procedure will not apply to applications for “prior approval” under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) since such applications benefit from a deemed approval if not determined within the statutory time limits.

### **Interpretation of the 7 day notice procedure**

Where a Town or Parish indicate that they have “no objection” or “no comment” to an application this will be taken as a declaration of a neutral stance that is neither in support of nor against a proposal and accordingly will not trigger a requirement for an application to be referred to the Chairman, Vice-Chairman and Ward Member(s) under the 7 day notice procedure. Similarly, a representation supporting an application will not trigger the 7 day notice procedure if the officer recommendation is one of approval.

With the exception of consultations to Town and Parish Councils referred to above, the 7 day notice procedure shall not apply in respect of representations received from any statutory consultee who has been notified of the application in accordance with Articles 18, 19, 20 and 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking or reenacting that Order) or from any non-statutory consultee.

Where third party representations have been received solely supporting an application the 7 day notice procedure will not be triggered if the officer recommendation is for approval.

Where third party representations have been received solely objecting to an application the 7 day notice procedure will not be triggered if the officer recommendation is for refusal.

The 7 day notice procedure will apply to all applications where there are both objections and support for an application.

In all cases the representations must be on material planning grounds to be considered under category 8.

9. Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the planning committee. This will not apply to applications to vary or delete conditions under Section 73 of the Town and Country

Planning Act 1990 unless those conditions were explicitly imposed by the Planning Committee. This will not apply to applications for non-material amendments to an approved scheme under Section 96A of the Town and Country Planning Act 1990 (as amended)

10. Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

## Definitions

Significant departures are defined as the following in circular 02/09 where the Local Planning Authority wishes to approve the proposal in terms of the following: -

- Development which includes or consists of retail, leisure or office use and which:
  - a. Is to be carried out on land which is edge of centre, out of centre or out of town; and
  - b. Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: and
  - c. Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
    - I. 5000 square metres or more: or
    - II. Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace would exceed 5000 square metres.
- Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their settings, including any buffer zone or its equivalent, and being development to which English Heritage has objected to and that objection not having been withdrawn.
- Playing field development where the land subject of the application:
  - I. Is land of a local authority; or
  - II. Is currently used by an educational institution as a playing field; or
  - III. Has at any time in the 5 years before the application been used by an education institution as a playing field: and
  - IV. Sport England has been consulted and has objected on one or more of the following grounds:
    - a. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority;
    - b. That the proposed development would result in such a deficiency; or
    - c. That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quality, quantity or accessibility) that which would be lost.

- Major development in flood risk areas to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority.

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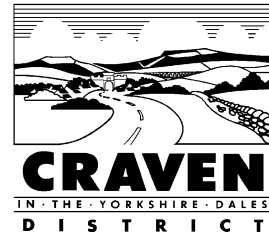
### Comparison Of Member Call in Procedures in North Yorkshire Councils

<b>Comparison of procedures of North Yorkshire Councils for Members to refer planning applications to Committee for determination</b>	
<b>Craven</b>	<p>Any application which the ward councillor for the area where the proposal lies requests to be heard by the committee in writing within 21 days of the publication of the application in the weekly list, identifying the planning reasons for the referral and agreed with the Planning Manager, the Chairman and Vice-Chairman.</p> <p>and</p> <p>Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period, and these representations are contrary to the recommendations of officers, a notice shall be sent to the Chairman and Vice-Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision.</p>
<b>Hambleton</b>	Members of the Council have to request that an application be presented to the Planning Committee within 28 days of the validation of the application
<b>Harrogate</b>	A member has to make representations on sound planning grounds in writing within the 21-day publicity period and that request has to satisfy the Executive Officer Development Management and Building Control, in consultation with the Chair, that it would be appropriate for the application to be determined by the Planning Committee
<b>Richmondshire</b>	Members of the Council have to request that an application be presented to the Planning Committee within 25 days of notification of that application to Members
<b>Ryedale</b>	Any application which the ward councillor for the area where the proposal lies requests in writing within 21 days of the publication of the application in the weekly list that it be heard by the committee, the request also has to give valid material planning reasons.
<b>Scarborough</b>	No provision for members to refer applications to the Committee.
<b>Selby</b>	Any application where a member request in writing within 21

	days of the publication of the application in the weekly list that it be heard by the committee, the request also has to give valid material planning reasons.
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**Standards Committee -  
2<sup>nd</sup> February 2022**



**MONITORING REPORT**

Ward(s) affected: All

Report of the Solicitor to the Council

4. **Purpose of Report** – To provide Members with an update on the number and progress of Code of Conduct complaints received.

8. **Recommendations** – Members are recommended to:

2.1 Note the contents of the monitoring report.

9. **Report**

3.1 The usual monitoring report is attached at Appendix A, updated to show new complaints received and progress made. A verbal update will be provided at the meeting.

3.2 The COVID19 pandemic has continued to have an impact on the work of the Council and unfortunately, this has meant that timescales set out in the agreed 'Arrangements for Dealing with Complaints' have not always been met.

4. **Financial and Value for Money Implications**

There are no financial implications arising from the recommendation in this report.

5. **Legal Implications**

There are no legal implications arising from the recommendation in this report.

6. **Contribution to Council Priorities**

6.1 The promotion and maintenance of high standards of conduct by the elected and co-opted Members of Craven District will assist the Council in achieving its priorities.

6.2 **Impact on the declared Climate Emergency** - no implications for the declared Climate Emergency.

7. **Risk Management**

7.1 The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council.

7.2 **Chief Finance Officer (s151 Officer) Statement** – no additional comments.

7.3 **Monitoring Officer Statement** – no additional comments.

8. **Equality Analysis**

The Council's Equality Impact Assessment procedure does not apply to this report as there are no changes to any policy.

9. **Consultations with Others**

None

10. **Background Documents**

None

11. **Appendices**

Appendix A – Monitoring Report

12. **Author of the Report**

Annette Moppett, Solicitor to the Council (Monitoring Officer)

Telephone: 01756 706325

E-mail: [amoppett@cravendc.gov.uk](mailto:amoppett@cravendc.gov.uk)

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

<b>Date complaint received</b>	<b>Reference</b>	<b>Status</b>	<b>Alleged Breach</b>
12 June 2020	2020/03	Decision Notice issued 3 August 2020. Referral for investigation. Investigator appointed 3 August 2020. Investigation report received 14 October 2021. Meeting of the Hearings Panel to be convened.	Town Council Obligations 1, 2, 3 & 5.
10 June 2021	2021/15	Further information requested. Decision Notice issued 11 October 2021. No further action.	Town Council Obligations 1 & 2.
16 August 2021	2021/16	Decision Notice issue 22 September 2021. No further action.	Parish Council Obligation 5.
16 August 2021	2021/17	Decision Notice issued 22 September 2021. No further action.	Parish Council Obligation 5.
13 October 2021	2021/18	Decision Notice issued 2 December 2021. Referral for investigation. Investigator appointed 5 January 2022.	Town Council Obligations 1, 2 and/or 3.
12 October 2021	2021/19	Decision Notice issued 2 December 2021. No further action.	Parish Council Obligations 14 and/or 16.
31 October 2021	2021/20	IP comments received 20 January 2022	District Council Obligation 1 and/or 3.
28 October 2021	2021/21	Further information requested from the Complainant 29 October 2021.	Parish Council To be confirmed.
16 November 2021	2021/22	Decision Notice issued 21 December 2021. No further action.	Parish Council Obligations 4.1 (a) and/or 4.1 (b).
22 November 2021	2021/23	Decision Notice issued 21 December 2021. No further action.	Parish Council Obligations 1.2, 4.1 (a), 4.1 (b) and/or

			6.1.
22 November 2021	2021/24	Decision Notice issued 21 December 2021. No further action.	Parish Council Obligations 1.2 and/or 3.1.