

## STANDARDS COMMITTEE

7pm on Wednesday 5<sup>th</sup> July 2017  
Staincliffe Suite, 1 Belle Vue Square, Broughton Road, Skipton.

**Committee Membership:** Councillors Ireton (Chairman), Mason, Mercer, Solloway and Whitaker.

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

### AGENDA

1. **Apologies for Absence**
2. **Confirmation of Minutes** – 15<sup>th</sup> March 2017 attached.
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 in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Work Programme for 2017/18** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To allow the Committee to consider and set the work programme for this municipal year.

6. **Whistleblowing Policy - Review** – Further to Minute STN.318/16-17, report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To enable the Committee to consider a revised Whistleblowing Policy.

7. **Probity in Planning** – Further to Minute 319/16-17, report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To update Members on the progress made in relation to the Craven District Council ‘Planning Good Practice for Members Guidance’ and seek approval for consultation on the Guidance

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

Purpose of Report – To update Members following the last report to Committee on 15<sup>th</sup> March 2017. Attached.

9. **Election of Parish Representatives** – Verbal report by the Solicitor to the Council (Monitoring Officer).

10. **Meeting Start Time** – The Committee is asked to agree its normal start-time for the remainder of the municipal year.

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

Agenda Contact Officer: Vicky Davies,  
Tel. 01756 706486, e-mail [vdavies@cravenc.gov.uk](mailto:vdavies@cravenc.gov.uk)  
27<sup>th</sup> June 2017

If you would like this agenda or any of the reports listed in a way which is better for you, please telephone 01756 706494.

### **Recording at Council Meetings**

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) 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 (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

### **Emergency Evacuation Procedure**

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section’s representative.

## STANDARDS COMMITTEE

15<sup>th</sup> March 2017

**Present** – Councillors Ireton (Chairman), Mrs Fairbank, Mercer, Mason and Solloway.  
Parish Representatives: Hazel Chatwin and Michael Rooze.

**Officers** – Solicitor to the Council (Monitoring Officer) and Committee Administrator.

Apologies for absence were received from Parish Representatives Pamela Heseltine and Robert Stead and Independent Person John Boumphrey.

Start: 7pm

Finish: 8:05pm

Councillor Mrs Fairbank arrived at 7.05pm.

The minutes of the Committee's meeting held on 23<sup>rd</sup> November 2016 were confirmed and signed by the Chairman.

### Minutes for Report

STN.317

#### LOCALISM ACT 2011 - DISPENSATIONS

The Solicitor to the Council (Monitoring Officer) submitted a report asking Members to consider a general dispensation to all Members to enable them to participate in a decision setting the Council Tax or a precept.

Members were advised that Local Government Finance Act 1992 prohibited any Member who was two or months in arrears with their Council Tax payments from participating in any Council meeting concerning the budget and the dispensation granted would not apply.

**Resolved** – That, a dispensation for a period of four years to all Members and co-opted Members is granted, to allow them to participate and vote in relation to setting the Council Tax or a precept under the Local Government Act 1992 (or any subsequent legislation).

STN.318

#### WHISTLEBLOWING POLICY

The Solicitor to the Council (Monitoring Officer) submitted a report asking Members to consider and comment on the Council's current Whistleblowing Policy in line with the Committee's work programme. The policy's aim was to make it clear that employees could come forward and voice fears without victimisation, subsequent discrimination or disadvantage. In addition, it was intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

During the course of the ensuing discussion Committee Members asked a number of questions and commented that they felt that anyone with concerns should be able to express them to a wider range of officers i.e. the Section 151 Officer and that the Council's initial acknowledgement should be reduced from 10 working days to 5 working days.

**Resolved** – That, the Solicitor to the Council (Monitoring Officer) is asked to produce a revised Whistleblowing Policy for consideration at the Committee's next meeting.

STN.319

## **PROBITY IN PLANNING**

The Deputy Monitoring Officer submitted a report informing Members on the planned work in relation to 'Probity in Planning' and the Craven District Council 'Planning Code of Good Practice for Members' and its relationship with the Members' Code of Conduct.

The Code of Practice had been last updated in November 2013 and Members were invited to contact the Deputy Monitoring Officer with any issues they would like to see included in the revised document. Any comments received would be fed into the draft Guidance which would be presented to this Committee for a decision on adoption.

**Resolved** – That, the report is noted.

STN.320

## **MONITORING REPORT**

The Solicitor to the Council (Monitoring Officer) submitted a report updating Members on the Code of Conduct complaints received and the status of existing complaints since the last report to Committee on the 23<sup>rd</sup> November 2017.

**Resolved** – That, the monitoring report is noted.

## **Minute for Decision**

STN.321

## **GUIDANCE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES**

The Solicitor to the Council (Monitoring Officer) submitted a report presenting draft guidance for Councillors and Officers appointed to outside bodies.

The Select Committee had asked this Committee to produce a protocol for Members and Officers appointed by the Council to serve on a variety of outside bodies, including voluntary organisations, local government associations and other organisations operating within the District. In performing their role, appointees could act as individuals, representatives of the Council, directors or trustees. The guide set out some of the most important aspects and responsibilities including the possibility of conflicts of interests.

**RECOMMENDED** – That, the Guidance for Councillors and Officers on Outside Bodies is adopted.

## **COUNCILLOR MRS FAIRBANK – RESIGNATION**

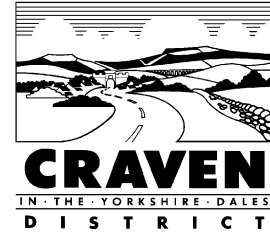
Councillors Mrs Fairbank in addressing the Committee announced that on 24<sup>th</sup> March 2017 she would cease to be a Councillor for the Aire Valley with Lothersdale Ward. She explained that she was very sad to be resigning but felt her poor health was preventing her representing her constituents in a way that she would wish. Councillor Mrs Fairbank stated that it had been an honour and privilege to have been a Councillor and over the past 17 years she had met some wonderful people. She wished Members and officers of the Committee good health and best wishes for the future.

The Chairman, Councillor David Ireton responded by thanking Councillor Mrs Fairbank for being a good colleague over many years and for the contribution she had made to the Standards Committee and he asked all Members to join him in wishing her an enjoyable retirement.

Chairman

# Standards Committee

## 5<sup>th</sup> July 2017



### WORK PROGRAMME 2017/18

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To allow the Committee to consider and set the work programme for this municipal year.
2. **Recommendations** – Members are recommended to:
  - 2.1 Note the work of the Committee during 2016/17; and
  - 2.2 Agree the Committee’s work programme for 2017/18.
3. **Report**
  - 3.1 At the first meeting of the municipal year, this Committee has routinely set its work programme for the coming year. This enables the Committee to take a structured approach to reviewing the local codes and protocols contained in the Council’s Constitution but also to have the flexibility to deal with any issues which arise during the year.
  - 3.2 During 2015/16 and 2016/17 the Committee’s work has focused on reviewing the Codes of Conduct and the local codes and protocols. The table below summarises the key work of the Committee during that period;

Statutory Officer Protocol	Revised Protocol adopted by Council August 2015 (CL.853)
Officer Code of Conduct	Revised Code of Conduct adopted by Council August 2015 (CL.853)
Code of Conduct for Members	Revised Code of Conduct adopted by Council December 2015 (CL.876)
Register of Members’ Financial and Other Interests	Revised Register of Interests adopted by Standards Committee November 2015 (STN.299)
Arrangements for Dealing with Standards Allegations under the Localism Act 2011	Revised Arrangements adopted by Standards Committee September 2016 (STN.311)
Annual Report	Approved for circulation

	November 2016 (STN.314)
Appointments to Outside Bodies	Guidance for Councillors and officers on Outside Bodies approved by Standards Committee (STN.321). To be adopted by Council August 2017.

3.3 Two items from the 2016/17 work programme are incomplete and will be carried forward to the 2017/18 programme. These are:

Whistleblowing Policy	Revised Policy to be considered at this meeting of the Committee.
Planning Code of Practice	Draft revised Code to be presented to this meeting of the Committee.

3.4 Members are asked to consider the Committee’s Terms of Reference (attached as appendix A) and set the work programme for the coming year.

3.5 In addition to the work programme, the Committee may receive unscheduled items from time to time and sub-committees may be constituted on an ad-hoc basis to deal with hearings in relation to member conduct.

4. **Implications**

4.1 **Financial and Value for Money Implications** – None arising directly from the report.

4.2 **Legal Implications** – these are set out in the body of the report.

4.3 **Contribution to Council Priorities** – Not applicable.

4.4 **Risk Management** – Not applicable.

4.5 **Equality Analysis** – Not applicable.

5. **Consultations with Others** – Not applicable.

6. **Access to Information: Background Documents** – Not applicable.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.

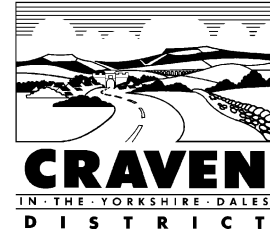
Members are invited to contact the Deputy Monitoring Officer in advance of the meeting with any detailed queries or questions.

8. **Appendices** – Terms of Reference.

COMMITTEE	<b><u>STANDARDS COMMITTEE</u></b>
MEMBERSHIP	5 District Councillors, 4 parish representatives and 3 independent persons (12 in total)
LEAD OFFICERS	Monitoring Officer
SUB-COMMITTEES	Will be constituted on an ad hoc basis to deal with hearings in relation to member conduct
<p><b>TERMS OF REFERENCE</b></p> <ul style="list-style-type: none"> <li>• To review, at least every two years, the Council's Member / Employee Protocol and Codes of Conduct, the Planning Protocol, and any other local codes and protocols, and to recommend changes to the Council Meeting</li> <li>• To consider other areas where there may be a need for local codes or protocols and make appropriate recommendations to the Council</li> <li>• To monitor the operation of the codes and protocols and to advise Members individually (as requested) and as a whole on the codes and protocols</li> <li>• To grant dispensations to Members as provided for by the Localism Act 2011 and regulations made thereunder</li> <li>• To deal with complaints relating to a breach of the Members Code of Conduct and to appoint sub-committees, as required on an ad hoc basis to hear complaints following investigation.</li> <li>• To advise the Parish Councils on the adoption or revision of their Codes of Conduct, to monitor their operation and to advise on matters relating to their Codes</li> <li>• To ensure the provision of effective training on Members' interests and Code of Conduct issues for Members of the District Council and the Parish Councils in the Craven District</li> <li>• To receive and deal with reports resulting from Ombudsman complaints</li> <li>• To be consulted when reviews are carried out of elements of the Council's Constitution that relate to the ethical framework</li> </ul>	



## Standards Committee – 5<sup>th</sup> July 2017



### WHISTLEBLOWING POLICY

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To present a draft revised Whistleblowing Policy.
2. **Recommendations** – Members are recommended to:
  - 2.1 Consider the draft revised Whistleblowing Policy; and
  - 2.2 Agree that the draft revised policy is circulated for consultation.
3. **Report**
  - 3.1 At its meeting on the 15<sup>th</sup> March 2017, this Committee discussed in detail the Council's Whistleblowing Policy, which was last reviewed in November 2013. The Committee discussed a number of issues which it considered should be incorporated into a revised policy, these included:
    - A requirement to send a written acknowledgement within five working days of a concern being raised;
    - With a more detailed response being sent within ten working days of the concern being raised; and
    - Extending the list of senior officers with whom a concern can be raised and to include Internal Audit in that list.
  - 3.2 The Monitoring Officer was asked to revise the Whistleblowing Policy, taking into account the Committee's comments.
  - 3.3 The draft revised Policy, which is attached to this report as Appendix A, was presented to the Council's Corporate Leadership Team on the 28<sup>th</sup> March 2017. The Council's Strategic Manager – Financial Services will be producing a revised introduction, which will be inserted into the Policy as soon as it becomes available and circulated to the members of this Committee. If the Committee is minded to approve the draft revised Policy, it will need to be provided to both Human Resources and the Unions for comment.
  - 3.4 The Committee is asked to review the draft revised Policy and, if appropriate, approve it for consultation purposes. All consultation responses and comments will be reported to the next meeting.

4. **Implications**

4.1 **Financial and Value for Money Implications** – There are no financial implications arising from this report.

4.2 **Legal Implications** – There are no legal implications arising from this report.

4.3 **Contribution to Council Priorities** – Improving how the Council governs its business.

4.4 **Risk Management** – Not applicable.

4.5 **Equality Analysis** – Not applicable.

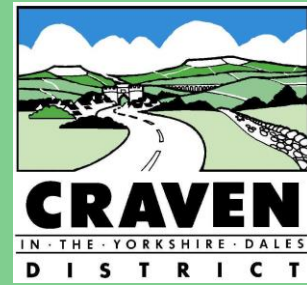
5. **Consultations with Others** – Not applicable at this stage.

6. **Access to Information: Background Documents** – Not applicable.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.

Members are invited to contact the Monitoring Officer in advance of the meeting with any detailed queries or questions.

8. **Appendices** –  
Appendix A – Draft revised Whistleblowing Policy



# **Craven District Council**

## **Whistleblowing Policy**

### **Policy for Employees of the Council**

Last Updated: November 2013  
Approved

## INTRODUCTION

- ~~1.1. Craven District Council is committed to providing an environment of openness where individuals feel that they are able to raise concerns regarding serious malpractice. This Policy formulated in accordance with the provisions of the Public Interest Disclosure Act 1998, (PIDA) sets out the procedure for raising concerns about such matters and affords anyone raising concerns under the policy protection from reprisal.~~
- 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. It is one of the Council's aims to promote democracy and accountability, by conducting business in an open and accountable way and operating to the highest ethical standards. As a result,~~ 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. ~~probity and accountability.~~ In line with that commitment, we ~~expect~~ encourage anyone with employees, and others that we deal with, ~~who have~~ serious concerns about any aspect of the Council's work to come forward and voice those concerns. ~~It is recognised that most cases will have to proceed on a confidential basis.~~
- 1.4. This policy document makes it clear that you can come forward and voice your concerns without fear of ~~reprisals victimisation, subsequent discrimination or disadvantage.~~ This **Whistleblowing Policy** is intended to encourage and enable you to raise serious concerns **within** the Council rather than ~~overlooking a problem or 'blowing the whistle' outside closing your eyes or worrying or feeling that you have no alternative but to talk to the press.~~
- 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. ~~You are responsible for making service users aware of the existence of these procedures.~~
- 1.7. This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## 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 ~~avenues for~~ 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 ~~pursue them if you are not satisfied; and take the matter further if you are~~ ~~dissatisfied with the Council's response; and~~
- reassure you that you will be protected from possible reprisals, ~~or victimisation if you have a reasonable belief that you have made any disclosure in good faith~~ 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.~~

- ~~a criminal offence has been, is being or is about to be committed;~~
- ~~there has been or is about to be a serious miscarriage of justice;~~
- ~~the health and safety of individuals or groups has been, is being or is about to be~~ ~~jeopardised;~~
- ~~the environment has been is being or is about to be severely damaged;~~
- ~~the unauthorised use of public funds;~~
- ~~discrimination, bullying victimisation or harassment;~~
- ~~improper conduct or unethical behaviour;~~
- ~~other unethical conduct;~~
- ~~there has been, is, or is about to be a failure to comply with legal obligations; and~~
- ~~information about the above has been concealed or there have been attempts to conceal any of these~~

~~—————The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, for sanctions to be applied~~

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 and policies**;
- falls below established standards of practice; or
- amounts to improper conduct.

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

### 3. SAFEGUARDS

#### Harassment or Victimisation

~~3.1. The Council 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 under this Policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed. 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.

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. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.~~

~~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. This policy encourages individuals to raise concerns and affords them the appropriate protection for doing so.~~

~~5.2. Allegations raised anonymously are much less powerful but will be dealt with at the discretion of the Council.~~

5.1 Concerns can be expressed anonymously but they are often 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.

### ~~**Deliberately False and Malicious Allegations**~~

~~5.3. The Council will ensure that adequate resources are put into investigating any allegations of fraud, corruption or malpractice that it receives. Accordingly, it will view very seriously any false or malicious allegations, which it receives. The making of deliberately false or malicious allegations by any employee of the Council will be regarded as a serious disciplinary offence.~~

## **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 you.

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 protect your position or to give you feedback.

## **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 the next more senior managerial level within your service/department. You should indicate if you want to raise the matter in confidence so that appropriate arrangements can be made when taking the matter forward, if you cannot raise the matter in your Service/Department because you feel the people whom would report it to may be involved in the malpractice or if you feel that the matter is so serious that you cannot discuss it with any of the above, please write to with one of the following:~~

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

~~Chief Executive  
Craven District Council  
Council Offices  
1 Belle Vue Square  
Broughton Road  
Skipton  
North Yorkshire BD23 1 FJ~~

~~Or~~

~~The Monitoring Officer  
At the same address~~

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.~~

7.6. You may also seek advice from the independent charity, 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:



3<sup>rd</sup> Floor Bank Chambers,  
6-10 Borough High Street,  
London SE1 9QQ

020 7404 6609

Fax: 020 7403 8823

E-Mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

- 7.7. You may invite your trade union representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

## 8. HOW THE COUNCIL WILL RESPOND

- 8.1. The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as accepting 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 ~~by the management, internal audit, or through the disciplinary process~~; internally by the Chief Executive, Solicitor to the Council, Strategic Manager – Financial Services or the Audit Services Manager as appropriate, but no one else would be delegated this task. Matters relating to fraud/money will be investigated by the Strategic Manager – Financial Services 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 will be taken before any investigation is conducted.
- 8.5. Within ~~ten~~ five working days of a concern being raised, the Council will write to you **acknowledging that your concern has been received.**
- 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;
  - 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.
- 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 advice about the procedure.
- 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 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

- 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



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**  
**North Yorkshire BD23**

**Tel: 01756 700600**

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

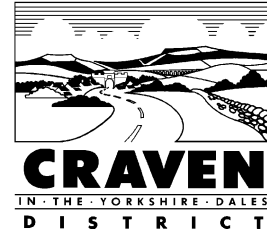
**Website: [www.cravenc.gov.uk](http://www.cravenc.gov.uk)**



INVESTOR IN PEOPLE

## Standards Committee

5 July 2017



### Probity in Planning

#### Report of the Deputy Monitoring Officer

Ward(s) affected: ALL

1. **Purpose of Report** – To update Members on the progress made in relation to the Craven District Council 'Planning Good Practice for Members Guidance' and seek approval for consultation on the Guidance
2. **Recommendations** – Members are asked to
  - 2.1 approve the Guidance for the purposes of consultation
  - 2.2 determine whether the Guidance should be amended to include a requirement that Members report lobbying (for or against) an application/enforcement at Planning Committee
  - 2.3 authorise a consultation period of 4 weeks
3. **Report**
  - 3.1 Members will recall that it reported to the March Standards Committee that the Planning Good Practice for Members Guidance' was being redrafted in order to provide practical and informative guidance to supplement the Members' Code of Conduct in relation to planning functions. A copy of the draft Guidance is at **Appendix A**.
  - 3.2 Members were invited to contact the Deputy Monitoring Officer with any issues or points Members would like to see included in the Guidance. The Deputy Monitoring Officer also contacted the Planning Committee to seek their views on matters to be included in the Guidance.

#### **Lobbying**

- 3.3 The Deputy Monitoring Officer received a limited response. One point raised was whether 'lobbying' should be reported at Planning Committee.
- 3.4 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, site allocation in a Development Plan or an emerging policy, will often seek to influence through an approach to their ward Member or to a Member of the Planning Committee. Lobbying is covered in the Guidance at pages 6 and 7.

- 3.5 At present lobbying is not reported to Planning Committee. Members are asked to consider whether Members at Planning Committee should state whether they have lobbied (for or against the application/enforcement action) at the outset of each particular application/item in order to promote openness and transparency. The reporting of lobbying on a particular application would not on its own mean that a Member could not speak or vote on that application/item.
- 3.6 The draft Guidance will be amended to reflect the Committees decision in relation to the reporting of lobbying.

### **Consultation**

- 3.6 If the draft Guidance is approved for consultation it is proposed that the consultation will be open for 4 weeks. A copy of the draft will be circulated to all Members for comments and a copy will be placed on the Council's website.
- 3.7 The outcome of the consultation will be reported to a future Standards Committee for a decision on adoption of the Guidance.

### 4. **Implications**

- 4.1 **Financial Implications** – None arising directly from the report.
- 4.2 **Legal Implications** – None.
- 4.3 **Contribution to Council Priorities** – Not applicable.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Lisa Lord, Solicitor (Deputy Monitoring Officer); telephone 07701 399979; e-mail: LLord@cravenc.gov.uk.

8. **Appendices** –  
Appendix A Planning Good Practice for Members Guidance

# Planning Good Practice Guidance for Members



## **When this Guidance applies**

This Guidance is prepared for the assistance of Members in dealing with planning matters; this includes decision making meetings of the Council where planning functions of the planning authority are exercised and less formal occasions such as meetings with officers or the public or consultative meetings. It applies equally to planning enforcement matters and site specific policy issues as it does to planning applications.

### **REMEMBER:**

If you have any queries about this Guidance, the Members' Code of Conduct or your own circumstances you should seek advice from the Monitoring Officer or Deputy Monitoring Officer as soon as possible.

## **Aims of this Guidance**

- to advise and guide Members in dealing with planning related matters
- to protect members from criticism and challenge
- to inform members of the public of the standards promoted by Craven District Council in connection with the performance of planning functions
- to ensure that in the planning process there are no grounds for suggesting the decision is being biased partial or not well founded in any way

### **REMEMBER:**

If you fail to comply with this Guidance you may put the Council at risk of maladministration or Judicial Review proceedings. You also risk being named in a report to the Standards Committee and if the failure is also a breach of the Members' Code of Conduct a complaint being made to the Monitoring Officer.

## **Relationship to the Members' Code of Conduct**

Craven District Council has adopted the Members' Code of Conduct which sets out the general principles and obligations of Members. The Members' Code of Conduct also deals with the issue of declaration of disclosable pecuniary interest and other interests. This Guidance is intended to explain and supplement the Members' Code of Conduct in the context of planning control.

If you have an interest under the Members' Code of Conduct you **MUST NOT**:

- participate or give the appearance of trying to participate in the making of any decision on the matter
- get involved in processing the application
- seek or accept any preferential treatment, or place yourself in a position that could lead the public to think that you are receiving preferential treatment because you are a Councillor. This includes using your position to discuss the proposal with Officers or Members when other members of the public would not have the same opportunity to do so

You **SHOULD**:

- disclose the existence of your interest in accordance with the Members' Code of Conduct. **Appendix 1** Interests Table will help you determine what action you need to take in relation to speaking, voting and attending Planning Committee
- consider using a Planning Agent in relation to any application you have an Appendix A; Disclosable Pecuniary Interest in
- contact the other Ward Member to make them aware that you are unable to take part in the matter in order that they can represent the Ward's view

**REMEMBER:**

The Members' Code of Conduct must always be complied with. In the unlikely event that there is any conflict between this Guidance and the Members' Code of Conduct the Code must be complied with.

### **Key purpose of the planning regime**

The purpose of development control is to ensure that the right development happens in the right place at the right time, benefitting communities and the economy. It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced and in assessing whether proposed development is suitable.

The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.

### **Role as a Member**

It is the role of Members of Planning Committee to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

All Members have a role to play in representing the views and aspirations of residents in planning and where planning applications affecting their ward are being considered.



## Predetermination and Bias

**Predetermination** and **bias** is where a Member's mind is closed or is reasonably perceived to be closed, to the merits of any arguments which differ from their own about a particular issue on which they are making a decision.

An example of predetermination or bias would be a Member stating "*Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the Committee.*"

Members of the Planning Committee must consider all of the information presented to them at the meeting and reach a decision based on the Development Plan and relevant material considerations. By doing so you will be able to demonstrate that you did not have a closed mind at the meeting and that the decision has been reached on a reasonable basis. The same principles apply when a matter concerns adoption of Development Plan documents.

If you are predetermined or biased in relation to a matter you **MUST NOT**;

- speak or vote on the matter unless you are a Ward Representative or if you are speaking as a member of the public in cases where the relevant meeting rules permit

If you are predetermined or biased in relation to a matter you **SHOULD**;

- consider leaving the room during the relevant debate to avoid the perception of influence, as a minimum you should move to the public gallery
- in cases where you are permitted to speak ensure that the Committee is aware of the capacity you are speaking in

### **REMEMBER:**

If you fail to follow these principles there is a risk that the lawfulness of the decision could be challenged by Judicial Review. If you have a predetermined or biased position should withdraw from that matter.

## Predisposition

**Predisposition** is where a Member has expressed an intention to vote in a particular way before a meeting but makes it clear that they are willing to listen to all the considerations presented at Committee before deciding on how to vote.

A Member will not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This means that a Member may be predisposed on a matter before it comes to Committee provided that they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting.

**REMEMBER:**

If you have made comments in other meetings or the press indicating your intention to vote in a particular way you must consider whether a reasonable onlooker with knowledge of all relevant facts would consider that you were biased.

**Dual hatted Member**

Dual hatted Members are Members who serve on two or more relevant authorities (for example, Members who are a District and Parish and/or Yorkshire Dales National Park Authority Councillor). Membership of the other relevant authority must be registered under Appendix B of the Members' Code of Conduct.

If a dual-hatted Member is taking part in a Planning Committee meeting and an issue under discussion **relates to or is likely to affect** that Member's other Authority, then the Member should apply the **Perception of Conflict test**.

Different factors will be relevant to each case when applying the Perception of Conflict test, however in general terms factors to consider may include;

- the nature of any representation made by the other Authority;
- the Member's position on the other Authority (for example, does the Member sit on the other Authority's Planning Committee or are they are Lead Member on the other Authority for an aspect relevant to the representation.);
- the role or purpose of the other Authority;
- any potential financial impact on the other Authority

Dual-hatter Members should also need to carefully consider the issue of **predetermination** and **bias**.

**REMEMBER:**

Declarations of interest are always a matter for the individual Member. However, if you have any questions advice should be sought from the Monitoring Officer or Deputy Monitoring Officer.

## Lobbying

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, site allocation in a Development Plan or an emerging policy, will often seek to influence through an approach to their ward Member or to a Member of the Planning Committee.

Lobbying can lead to the impartiality and integrity of a Member being called into question unless care is exercised.

The rules in relation to lobbying do not prevent you from joining general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society.

### You **MUST NOT**:

- Accept gifts or hospitality from any person involved in or affected by a planning proposal;
- Excessively lobby fellow Members regarding your views
- Attempt to persuade other Members to decide how to vote in advance of the Planning Committee
- Decide how to vote or discuss how to vote on any application at any political group meeting
- Express to those attempting to lobby you a firm decision on how you will vote or view on the matter
- Lead or represent an organisation that has the primary purpose to lobby to promote or oppose planning proposals.

### You **SHOULD**:

- Explain to those attempting to lobby you that you can listen to what is said but you must keep an open mind
- Remember that your overriding duty is to the whole of the community
- Provide a copy of any lobbying material to the Planning Manager at the earliest opportunity
- Inform the Monitoring Officer if you feel you have been exposed to undue or excessive lobbying

## Contact with Applicants, Developers and Objectors

### You **SHOULD**;

- Refer anyone who approaches you for planning, procedural or technical advice to Officers
- Follow the rules on lobbying in relation to contact with applicants, developers and objectors
- Take notes of any contact
- Report to the Planning Manager any significant contact, this will ensure that a record is kept on the planning file
- Ask the Planning Manager to arrange any necessary formal meetings with applicants, developers or groups of objectors. This will ensure that an Officer is present who can

provide advice, record details for the planning file and report to the Planning Committee. It is anticipated that such meeting will be necessary only in exceptional circumstances.

- ask relevant questions, at planning presentations, to clarify your understanding of the proposal
- remember that planning presentations are not part of the formal planning process and are a form of lobbying

You **MUST NOT**;

- Agree to any formal meeting with applicants, developers or groups of objectors unless a Planning Officer is also attending or the meeting has been organised by Officers
- Attend a planning presentation unless an Officer is present and/or it has been organised by Officers

## Training

You **SHOULD**;

- Attend any planning training arranged by Officers. The training will be designed to extend your knowledge of planning law, regulations, procedures, codes of practice and the development plan to assist you in carrying out your role properly and effectively.
- Speak to the Planning Manager if you feel you require planning training
- Read any Planning Inspectorate decisions and updates that are sent to you by Officers
- Use the annual review as a training exercise

## **Pre Application discussions**

Pre-application discussions between a potential applicant and the Council can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant. It should be clear from the outset that the discussions will not bind the Council to making a particular decision. By the very nature of such meetings not all relevant information will be available at the outset nor will formal consultations with interested parties have taken place.

The same considerations should apply as apply to any discussions which occur before a decision is taken.

### **You SHOULD;**

- Ensure that Officers are present at any pre-application meetings
- Avoid being drawn into negotiations

## Referring matters to Planning Committee

The Development Control Scheme of Delegation sets out when applications will be delegated to Officers and when applications will be determined by the Planning Committee.

If a Member wishes to refer an application to Planning Committee the Member must follow the Scheme of Delegation (**Appendix 3**) and the Protocol (**Appendix 4**).

**You SHOULD;**

- Give reasons for referring an application to Planning Committee in the interests of openness and transparency
- Ensure that you send your request to [planning@cravenc.gov.uk](mailto:planning@cravenc.gov.uk) rather than the Case Officer
- Specify whether you consider that a site visit would have a clear and substantial benefit giving your reasons

## Site Visits

Site Visits can be an important part of the decision making process but should only be requested where the benefit is clear and substantial.

A Site Visit is only likely to be necessary if;

- the impact of the proposed development is difficult to visualised from the plans and any other supporting material including photographs taken by Officers
- the proposal is particularly contentious

### You **SHOULD**;

- Try to attend any site visits organised by the Council
- Ensure that information you gained from the site visit is reported back to Committee so that all Members have the same information
- Ensure that you treat the site visit as an opportunity to seek information in relation to the physical features of the site and to observe the site only
- Ask Officers at the site visit questions or clarification on matters relevant to the site inspection
- Listen to the Chairman's instructions and stay as one group

### You **MUST NOT**;

- Wander off; if you think another part of the site is important ask the Chairman to include that area in the site visit
- Get involved in conversations with members of the public or others attending the site visit
- Express your opinions or views on the proposals during the site visit
- Enter a site, not open to the public, to conduct your own site visit even in response to an invitation as this may give the impression of bias
- Allow the Site Visit to be used as a lobbying opportunity

### **REMEMBER**

The Members' Code of Conduct applies to Site Visits in the same way it applies to Committee. If you have an interest in the matter to be discussed at Committee you also have an interest at the Site Visit



## Planning Committee

### Use of electronic devices during Committee (such as ipads)

At Planning Committee iPads and other electronic devices need to be used with care common sense and respect. In particular, it is important that respect and courtesy is shown to others participating in the meeting and use of such devices should not give the impression to observers that a Member is not paying due attention at the meeting.

A copy of the Protocol for the use of electronic devices during Planning Committee is at **Appendix 2**.

#### **REMEMBER**

Not all information on the internet is accurate and as such it is important that Members verify information they wish to introduce to the debate.

### Officer Reports

Officer reports are prepared to provide Members with the information necessary to determine an application. The report will include:

- the substance of any objections and other responses received to the consultation;
- a clear assessment against the relevant development plan policies, National Planning Policy Framework (NPPF) and any other material planning considerations; and
- a recommendation on how the application should be determined.

It is important to remember that Officers are providing their professional opinion on an application. Officers are required to act in accordance with the Council's Code of Conduct for Officers and may be subject to professional codes of conduct such as the Royal Town Planning Institutes Code of Professional Conduct. As a result the Planning Officer's views, opinions and recommendations are presented on the basis of their overriding obligation of professional independence. This does not mean that the Planning Officers views, opinions and recommendations cannot be challenged and questioned by Members.

#### You **SHOULD**;

- Read the Officer report carefully before Committee
- Contact the Planning Manager if you have any questions regarding the Officer report

#### You **MUST NOT**;

- Contact the Officer and put pressure on them to change their recommendation

### Decision Making

Planning decisions must comply with the statutory framework, in particular decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.

Members may approve, refuse or defer an application at Committee. A matter should only be deferred where there is a clear reason and benefit of doing so, for example where during the debate it becomes clear that a site visit is necessary.

Where a Member proposes or seconds a decision that is against Officer recommendation they must give planning reasons for doing so.

**You SHOULD;**

- Come to meetings with an open mind
- Reach your decision only after due consideration of all the relevant information reasonably required
- Provide planning reasons for any decisions against Officer recommendation

**You MUST NOT;**

- Vote or take part in the debate on a proposal unless you have been present to hear the entire matter, including the Officer presentation

**Review of decisions**

A sample of implemented planning decisions will be reported to Planning Committee on an annual basis. The Planning Manager will also report to the Planning Committee annual statistics in relation to the performance of the Planning Department including appeals.

The essential purpose of this review process is to assist Planning Committee Members to refine their understanding of the impact of their decisions. The objective is to improve the quality and consistency of decision making in order to strengthen public confidence in the planning system.

**You SHOULD;**

- Fully engage with any such reviews as an important training and development exercise

APPENDIX 1: Members' Code of Conduct Interests Table

APPENDIX 2: Protocol for the use of electronic devices during Planning Committee

APPENDIX 3: Development Control Scheme of Delegation

APPENDIX 4: Development Control Protocol for requesting applications are referred to Planning Committee

APPENDIX 1: Members' Code of Conduct Interests Table

Type of Interest	Declare the interest?	Speak on the matter?	Vote on the matter?	Take Action
<b>Appendix A</b> (Disclosable Pecuniary Interests)	It is only necessary to declare what the interest is if it is not entered on your Register of Interests or if you have not notified the Monitoring Officer of the interest.	No	No	Leave the room
<b>Appendix B</b> (other Interests) <u>and</u> you are satisfied that the 'Perception of Conflict' test is met	Yes	Yes – If the public are also allowed to speak.  No – if the matter is discussed in exempt session.	No	Move to the public gallery
<b>Paragraph 15</b> (the matter relates to the financial interest of yourself, a friend, relative or close associate)	Yes (the nature of the interest)	Yes – If the public are also allowed to speak.  No – if the matter is discussed in exempted session.	No	Move to the public gallery

## APPENDIX 2: Protocol for the use of electronic devices during Planning Committee

*Interim/Voluntary protocol until Council policy comes forward for the use of use devices at all council meetings.*

### **Introduction**

The Council has recently issued iPads to Councillors. This protocol covers the use of iPads and other hand held electrical devices at planning committee.

Members are reminded that this protocol is in addition to the Code of Conduct.

### **Background**

Hand held electronic devices offer a wide range of uses including;

- Phone calls
- Texting
- Reading and sending emails
- Accessing twitter, facebook and other social media
- Reading meeting papers and background information
- Taking and sending photographs

They can also assist debate by facilitating contemporaneous research into relevant matters to inform contribution to the debate providing Access to Information Rules are not breached.

### **Etiquette**

At planning committee iPads and other hand held electronic devices need to be used with care, common sense and respect. In particular, it is important that respect and courtesy is shown to others participating in the meeting and the use of such devices should not give the impression to observers that a Councillor is not paying due attention to the meeting.

### **Acceptable Use**

- All devices should be set to silent during the meeting
- Devices may be used to follow agenda items or deliver pre prepared speeches
- Devices should be used sparingly, discreetly and unobtrusively, without disturbing others
- Consider the impression given to others, in particular members of the public attending the meeting

If, during the course of a meeting, the Chairman considers that an individual's use of hand held electronic devices has become inappropriate they will be asked to stop.

### **Potential Challenge**

The use of electronic hand held devices could be cited as grounds for a challenge by aggrieved parties, this is of particular significance to planning committee where Councillors are required to come to a decision on the merits of each application as presented to them in the committee papers and at the meeting. That is not to say that electronic devices cannot be used but that great care

must be taken to show that Members have listened to the debate and have not taken into account any irrelevant considerations.

Members need to be mindful that not all information on the internet is accurate and as such it is important that Members verify information they wish to introduce to the debate.

### **Delegated to Strategic Manager 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 planning circular 02/09 or in any successor document (see definition below) and where officers wish to approve the development.
3. Any applications which are recommended to be approved contrary to the requirements of the Development Plan.
4. Any applications made by or on behalf of the Council.
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 of any of the persons referred to above will also be referred to the Planning Committee for determination.
7. Where a 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.
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, a notice shall be sent to the 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.

9. Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the planning committee
10. Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

#### 11. **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:
  - 1) Is to be carried out on land which is edge of centre, out of centre or out of town; **and**
  - 2) 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**
  - 3) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
    - a. 5000 square metres or more: **or**
    - b. 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:
  - 1) Is land of a local authority; or
  - 2) Is currently used by an educational institution as a playing field; **or**
  - 3) Has at any time in the 5 years before the application been used by an education institution as a playing field: **and**
    - a. Sport England has been consulted and has objected on one or more of the following grounds:
    - b. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority;
    - c. That the proposed development would result in such a deficiency; **or**
    - d. 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.

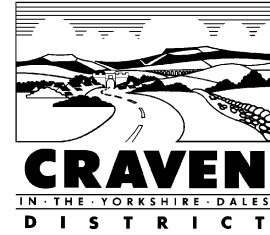
# **Protocol for Requesting that applications are referred to the Planning Committee for determination (Approved 29-8-12)**

The Development Control Scheme of Delegation, that was Adopted in February 2011, sets out when applications will be delegated to the Strategic Manager for Planning and Regeneration for determination and when applications will be determined by the Planning Committee. This protocol does not replace or modify that scheme of delegation, but provides explanation on how the Scheme of Delegation is to be administered. All Council Members and Officers should adhere to the following: -

- a. The Scheme of Delegation sets out at bullet point 7. that a Ward Member can request, in writing, within 21 days of receipt of the weekly list that an application is referred to the Planning Committee for a decision. The Scheme of Delegation does not require the Ward Member to give a reason for the request, but in the interests of transparency Members are strongly encouraged to do so.
- b. With respect to planning applications that are subject to the Council's 7 day notice procedures, the Scheme of Delegation sets out at bullet point 8. that a reason must be given, based on material planning grounds or in the public interest, by the Ward Member or the Chairman of the Planning Committee as to why the application should be referred to the Planning Committee for a decision. The Scheme of Delegation does not specifically state that requests have to be made in writing, but in the interests of transparency, certainty and ensuring consistency with bullet point 7. of the Scheme of Delegation, members are asked to put requests in writing.
- c. The Scheme of Delegation sets out at bullet point 10. that the Strategic Manager for Planning and Regeneration can refer any application to the Planning Committee for a decision. The scheme of delegation does not require a reason to be given for this decision, but in the interests of transparency this should be provided.
- d. Requests to refer an application to Planning Committee for a decision should preferably be made in writing, by an email sent to the generic Planning Services email address [planning@cravendc.gov.uk](mailto:planning@cravendc.gov.uk) . The advantage of using this address is that an acknowledgement is automatically produced so the sender will know it has been received by the service. This generic email address is also checked at least daily by the Planning Support team who will forward the request to the application Case Officer, the Development Control Manager, and the Chairman of the Planning Committee. The sender of the email will be copied in to provide assurance that the request will be actioned. The email will be saved by Planning Support in the correspondence folder for the relevant planning application. Please note, there is a risk that correspondence sent by other methods will not be identified as quickly and will bypass the above procedure. For example, an email or letter sent direct to the Case Officer may be missed if the Case Officer is on leave. Members are therefore strongly encouraged to use the generic [planning@cravendc.gov.uk](mailto:planning@cravendc.gov.uk) address.

# Standards Committee

5<sup>th</sup> July 2017



## Monitoring Report

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To update Members following the last report to Committee on the 15<sup>th</sup> March 2017.
2. **Recommendations** – Members are asked to note the contents of the report.
3. **Report**
  - 3.1 The usual monitoring report is attached at Appendix A.
  - 3.2 A verbal update will be given at the meeting, if required.
4. **Implications**
  - 4.1 **Financial Implications** – None arising directly from the report.
  - 4.2 **Legal Implications** – None.
  - 4.3 **Contribution to Council Priorities** – Not applicable.
  - 4.4 **Risk Management** – Not applicable.
  - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
8. **Appendices** –  
Appendix A – Monitoring report

APPENDIX A

Date complaint received	Reference	Status	Alleged Breach
5 July 2016	AM.1331	<p>Complaint referred to North Yorkshire Police in accordance with the Council's agreed procedure: 13 July 2016.            30 November 2016: NYP concluded that they were unable to take further action and referred the complaint back to the MO.            Decision Notice issued 16 December 2016.            Referral for investigation.            Investigator appointed 19 December 2016.            Draft Investigation Report issued to MO 16 June 2017.</p>	<p>Taking part in a discussion or vote in which the Parish Councillor had a disclosable pecuniary interest.</p>
3 November 2016	AM.1367	<p>Complaint referred to North Yorkshire Police in accordance with the Council's agreed procedure: 17 November 2016;            2 December 2016: NYP concluded that it would not be appropriate to investigate the complaint and referred the papers back to the MO.            Decision Notice issued 15 December 2016.            Referral for investigation.            Investigator appointed 19 December 2016.            Investigation on-going.</p>	<p>Taking part in a discussion or vote in which the District Councillor had a disclosable pecuniary interest.</p>
26 January 2017	AM.1401	<p>Decision Notice issued 7 February 2017.            Referral for investigation.            Investigator appointed 7 February 2017.            Final Investigation Report issued 3 April 2017. Investigator's findings and conclusions discussed with the Independent Person.            Investigation Report concluded that the member was <u>not</u> acting in councillor capacity when the incident occurred and therefore was outside the jurisdiction of the Code.            This finding was accepted by the MO on 9 May 2017 and interested parties informed.</p>	<p>District Councillor.            Behaving in a disrespectful and bullying and/or intimidatory manner.</p>
8 March 2017	AM.1437	<p>After discussing with the Independent Person, MO requested further information from the member.            After reviewing additional information, MO concluded that the member was not acting in councillor capacity at the time of the alleged incident.</p>	<p>Town Councillor.            Behaving in a disrespectful manner and/or disclosing confidential information.</p>

**APPENDIX A**

8 March 2017	AM.1438	After discussing with the Independent Person, MO requested further information from the member. After reviewing additional information, MO concluded that the member was not acting in councillor capacity at the time of the alleged incident.	Town Councillor. Behaving in a disrespectful manner and/or disclosing confidential information.
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