

STANDARDS COMMITTEE

7pm on Tuesday 5th September 2017
Staincliffe Suite, 1 Belle Vue Square, Broughton Road, Skipton.

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

Parish Council Representatives (non-voting): Veronicka Dancer, Michael Rooze, Richard Simpson and Robert Stead.

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

AGENDA

1. **Apologies for Absence**
2. **Confirmation of Minutes** – 5th July 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. **Whistleblowing Policy - Review** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To present the consultation responses received to the draft revised Whistleblowing Policy.

6. **Probity in Planning** – Report of the Deputy 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]

7. **Training for Members : Planning** – Report of the Deputy Monitoring Officer. Attached.

Purpose of Report – To provide Members with suggestions on how training can be provided to Members in relation to planning matters and formalise arrangements for any such training

8. **Local Government Ombudsman Annual Review Letter 2017** - Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To provide the Committee with a copy of the Ombudsman's Annual Review Letter 2016/2017.

9. **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 5th July 2017. Attached.

10. **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@cravencd.gov.uk
25th August 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

5 July 2017

Present – Councillors Iretton (Chairman), Mason, Mercer, Solloway and Whitaker.
Independent Person (non-voting): John Boumphrey

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

Apologies for absence were received from Independent Persons Peter Charlesworth and Roger Millin.

Start: 7pm

Finish: 7:55pm

The minutes of the Committee's meeting held on 15th March 2017 were confirmed and signed by the Chairman.

Minutes for Report

STN.322

WORK PROGRAMME FOR 2017/18

The Solicitor to the Council (Monitoring Officer) submitted a report proposing a programme of work for the Committee for the 2017/18 municipal year.

Two items from the 2016/17 work programme were incomplete and would be carried forward to the 2017/18 programme. These were the Whistleblowing Policy and Planning Code of Practice.

Resolved – (1) That, the work of the Committee during 2016/17 is noted.

(2) That, the Committee's forward work programme for 2017/18 include the following areas of work:

- Whistleblowing Policy
- Planning Code of Practice
- Training for Members
- Audit of Parish Councils Code of Conduct and Register of Interests
- Equalities and Diversity
- Hearings Training for Standards Committee Members
- Review of the Code of Conduct for Members.

STN.323

WHISTLEBLOWING POLICY

The Solicitor to the Council (Monitoring Officer) submitted a report asking Members to consider and comment on a draft Whistleblowing Policy which included content suggested by the Committee at its meeting on 15th March 2017.

Resolved – That the draft Whistleblowing Policy be approved as basis for consultation and that comments and suggested revisions be reported to the next meeting.

STN.324

PROBITY IN PLANNING

The Deputy Monitoring Officer submitted a report updating Members on the progress made in relation to the Craven District Council 'Planning Good Practice for Members Guidance' and seeking approval for consultation on the Guidance.

The Deputy Monitoring officer had received a suggestion that consideration be given as to whether 'lobbying' should be reported at Planning Committee. Although lobbying is covered in the Guidance at present there is no requirement that it is reported to Planning Committee.

Resolved – (1) The Guidance be approved for the purposes of consultation.

(2) The Guidance be amended to include a requirement that Members report lobbying (for or against) an application/enforcement at Planning Committee.

(3) The consultation period be four weeks.

STN.325

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 15th March 2017.

Resolved – That, the monitoring report is noted.

STN.326

ELECTION OF PARISH REPRESENTATIVES

The Solicitor to the Council (Monitoring Officer) reported on the process for appointing up to four non-voting parish representatives to the Standards Committee

Resolved – (1) That parish councils be invited to submit nominations for parish representatives.

(2) That if more than four nominations are received a ballot of parish councils be held to select the four parish representatives who will go forward for confirmation by the Council.

STN.327

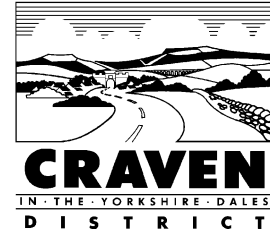
MEETINGS : START TIME

The Committee were asked to agree the normal start-time for it's meetings for the remainder of the current municipal year.

Resolved – That, for the remainder of the current municipal year, this Committee's meetings commence at 7pm.

Chairman

Standards Committee – 5th September 2017



WHISTLEBLOWING POLICY

Report of the Solicitor to the Council (Monitoring Officer)

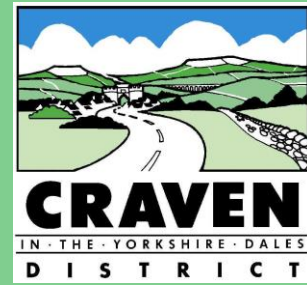
Ward(s) affected: ALL

1. **Purpose of Report** – To present the consultation responses received to the draft revised Whistleblowing Policy.
2. **Recommendations** – Members are recommended to:
 - 2.1 Consider the consultation responses received to the draft revised Whistleblowing Policy; and
 - 2.2 Recommend the adoption of the draft revised policy or otherwise.
3. **Report**
 - 3.1 At its last meeting, this Committee reviewed the draft revised Whistleblowing Policy and subject to minor amendment, resolved that the document be circulated for consultation purposes.
 - 3.2 On the 26th July 2017 the attached revised Whistleblowing Policy was sent to the Council's Corporate and Senior Leadership Teams and on the 28th July to the local Union representatives. All consultees were asked to provide any comments on or before the date of this meeting and all responses received will be presented to the Committee.
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@cravendc.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.~~
- 1.1 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. ~~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. 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. ~~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. 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. 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 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.

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:

*3rd Floor Bank Chambers,
6-10 Borough High Street,
London SE1 9QQ*

020 7404 6609

Fax: 020 7403 8823

E-Mail: whistle@pcaw.co.uk

Website: 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 the Council may need to test out your concerns. Doing so is not the same as accepting 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 ~~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 may 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 procedures 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
- 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.**

THE LAW

- 10.2. 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.
- 10.3. 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.



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@cravencd.gov.uk

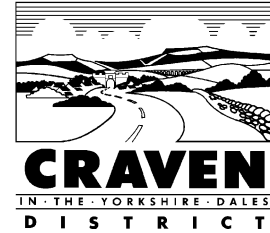
Website: www.cravencd.gov.uk



INVESTOR IN PEOPLE

Standard Committee

Tuesday 5 September 2017



Probity in Planning; Good Practice for Members Guidance'

Report of the Deputy Monitoring Officer

Ward(s) affected: ALL

1. **Purpose of Report** – To update Committee on the consultation with Members and request adoption of the revised 'Planning Good Practice for Members Guidance'.
2. **Recommendations** – Members are asked to recommend that Council adopt the revised 'Good Practice for Members Guidance'.
3. **Report**
 - 3.1 On 5 July 2017 Standards Committee
 - i. approved the Guidance for the purposes of consultation (with minor amendments).
 - ii. determined that the Guidance should be amended to include a requirement that Members report lobbying, for or against, an application/enforcement at Planning Committee.
 - iii. authorised a consultation period of 4 weeks.
 - 3.2 Consultation with Members took place between 11 July 2017 and 18 August 2017.
 - 3.3 Consultation responses were received from 4 Members. The Consultation responses and how they have been dealt with are amalgamated and summarised below;

Consultation response	How response has been dealt with
Support for all parts of the Guidance	Noted
Omission from document – no guidance on how to deal with lobbying from a developer, trade association or other organisation which might predispose a member towards approval. The document seems to assume there is only a risk of influence in one direction.	The process for dealing with lobbying is the same regardless of who the lobbying party is. Guidance amended to include further reference to lobbying for/against (as already referred to in the final bullet point).
Protection of confidentiality of any local citizen who has expressed a view to a Councillor.	No amendment required. Lobbying will be declared by simple confirmation as to whether the Member has been lobbied for/against or

	both.
<p>May not be practical to ensure that an officer is present at a pre-application meeting. These usually take place in an informal setting and may not be pre-arranged.</p> <p>It would be onerous to require a Planning Officer to attend.</p>	<p>Amended bullet point 1 to “Invite Officers to any formal pre-application meetings” to ensure consistency in the Guidance given under “Contact with Applicants, Developers and Objectors”.</p> <p>It is expressed in the Guidance that such formal meetings will only be necessary in exceptional circumstances.</p>
<p>Query regarding the potential for challenge if the Committee rely only on information presented to them in committee papers and at the meeting and not take into account information readily available to the public (through internet searches for example)</p>	<p>If Members wish to take into account matters not contained in the Officer report or presentation clarity on that matter (in particular whether it is a material planning consideration and the Planning Officer’s advice on that matter) should be sought at the Committee.</p> <p>Guidance clarified.</p>
<p>Page 4: dangerous to extend to predispositions on voting intentions</p>	<p>This is the legally accepted definition of predisposition.</p> <p>No amendment required.</p>
<p>Page 6: Private and Public lobbying should be distinguished. As part of the validation process Agents should be required sign a declaration that lobbying material will be sent to the Planning Department for onward submission to Members of the Committee.</p>	<p>Lobbying private and public has the same potential affect. The reporting of lobbying at Committee is a simple system to improve transparency. The Council cannot require the Agent to sign the declaration suggested as validation criteria. Members are reminded in the Guidance to provide a copy of any lobbying material to the Planning Manager.</p> <p>No amendments required.</p>
<p>Page 10: Query whether the correct Protocol regarding calling in applications has been attached</p>	<p>Minutes of the relevant Working Group have been checked and the Protocol at Appendix 4 is the version adopted by Planning Committee.</p> <p>No amendment required.</p>
<p>Hospitality and benefits in kind – gift may be offered on a personal basis not connected with Council work (for example where parties have known each other for a number of years)</p>	<p>The Code of Conduct under Appendix B requires that Members declare “Any gifts or hospitality worth more than an estimated value of £25 which the member has received by virtue of his or her office”</p> <p>Guidance clarified.</p>

3.4 Members are asked to recommend adoption of the Guidance as amended at Appendix A

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 - 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 unwarranted 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 affected by 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
- seek advice if in doubt

REMEMBER:

The Members' Code of Conduct it 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 plan-making 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**.

If a Member determines that they have an Appendix B interest after applying the Perception of Conflict test they should declare that interest, only speak on the matter if the public are allowed to speak, move to the public area and not vote on the matter.

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 or other meeting with a similar purpose
- 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
- Declare any lobbying (for or against) at the start of each application at Planning Committee

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 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
Appendix A (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
Appendix 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
Paragraph 15 (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 devises 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.

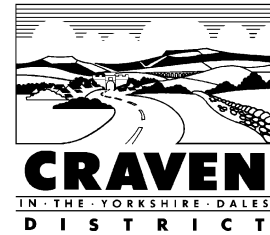
Protocol for Requesting that applications are referred to the Planning Committee for determination (Approved 29-8-12)

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 . 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 address.

Standards Committee

Tuesday 5 September 2017



Training for Members; Planning

Report of the Deputy Monitoring Officer

Ward(s) affected: ALL

1. **Purpose of Report** – To provide Members with suggestions on how training can be provided to Members in relation to planning matters and formalise arrangements for any such training.
2. **Recommendations** – Members are asked to;
 - 2.1 note the report
 - 2.2 agree a formalised arrangement for training of Members in relation to planning matters set out at 3.11
3. **Report**
 - 3.1 Training for Councillors who sit on Planning Committee is not mandatory at national level but it is good practice. Training is particularly important for Councillors new to Planning Committee but all Councillors on Planning Committee should receive regular updates on planning law and practice. It is also good practice for all Members to receive training on planning matters in order that they understand the planning process.
 - 3.2 The aim for Planning Committee should be that the public engaging in the process are satisfied with and clear about the decision making process (if not always the outcome).
 - 3.3 It is imperative that the Planning Committee should only be balancing relevant planning evidence, planning policy direction and material planning considerations in undertaking the quasi-judicial role at Planning Committee. To do this all Planning Committee Members must have good knowledge of the planning process, and the local and national planning policies, professional support of Officers and a professional approach.
 - 3.4 No officer has the authority to prevent a member who has been duly appointed to a Committee from sitting as a member of that Committee. This applies to Planning Committees as well as other Committees. There is not therefore any ability for Officers to enforce "mandatory" training. It is correct that a council whose relevant Members are untrained in planning is at risk of its decisions being struck down by the courts on judicial review. But that of itself does not give the Monitoring Officer or anyone else the legal ability to prevent a Member from taking part in a Committee

meeting. Indeed, if a member did not take part in a Committee meeting because they had been erroneously told by an Officer that they could not, that in itself is a basis for a decision taken in their absence to be overturned by the court.

- 3.5 In addition, Council cannot refuse to allocate seats on a Committee to a Member who has not undertaken training, as long as they have been properly nominated to that seat by the political group who the seat has been allocated to.
- 3.6 The imposition of training is entirely reliant on the cooperation of the Members and Political Groups concerned.

Recent Training Offered

- 3.7 On 18 July 2016 the Deputy Monitoring Officer arranged for a barrister to conduct an evening training session for Members on planning matters in general. All Members of the Council were invited and 12 attended the session. A record of attendance is held by Committee Services.
- 3.8 In January and March 2016 the Monitoring Officer ran two sessions with Members of the Planning Committee focussing on the public perception at Planning Committee.
- 3.9 New Members appointed to Planning Committee in May 2015 and May 2016 have received training from the Planning Manager in relation to the planning process covering national and local policies and material planning considerations. At the same sessions the Deputy Monitoring Officer provided training on common Code of Conduct issues in the planning process including at Planning Committee.

Other Council's training requirements

- 3.10 A summary of the published training requirements of a sample of other Authorities is set out in the table below;

YDNPA	<p>Mandatory Planning Committee training on a six monthly basis with Members invited to all sessions but only obliged to attend one session.</p> <p>Any new Member of the Authority within 3 months of joining the Authority must attend a planning training course.</p> <p>Continued Membership of the Planning Committee requires refresher training to be undertaken by all Members of the Committee.</p> <p>Note: No reference is made to how the training requirements will be enforced (see paragraph 3.4-3.6 above)</p>
Herts	All Members to undertake basic training and Planning Committee Members to undertake full training within 3 months

	of appointment.
Richmonshire	Run 3-4 sessions per year – Members must attend at least 2 to remain on Planning Committee. New Members receive a 4 hour introductory session
Redditch	Require Members undertake basic training prior to sitting on Committee.
Salford	Basic training on probity and process before Members can vote.

Training proposals

3.11 A recommended training programme is set out below;

Induction process

- All new Members (whether appointed to Planning Committee or not) provided with key planning documents (electronic copies where Members are comfortable with this option) to include but not limited to the Local Plan, NPPF, Planning Good Practice Guidance for Members
- All new Members (whether appointed to Planning Committee or not) offered an induction session with the Planning Manager to provide an overview of the planning process
- All new Members (whether appointed to Planning Committee or not) offered an induction session with the Monitoring Officer or Deputy Monitoring Officer on the Code of Conduct with particular emphasis on common planning issues

Formal Training

- All Members (whether appointed to Planning Committee or not) will be invited to attend at least one planning training session per year.
- Members of Planning Committee will also receive information reports presented to Planning Committee on areas such as new legislation, policy guidance and procedural matters as they arise (in most cases such reports will immediately follow a Planning Committee meeting)
- Members of Planning Committee will attend an update/reminder session on the Code of Conduct, Planning Good Practice Guidance for Members and standards issues in general each year (in most cases this will immediately follow a Planning Committee meeting)
- Any Members attending formal training sessions such as RPTI Summer School or training sessions held by other Authorities will be asked to provide feedback to the Planning Committee

Informal Training

- Information documents will be placed in the Members Information Library

Review/Performance Reports

- An Annual Performance report will be presented to Planning Committee setting out the number of appeals received and the outcome of the appeal. The report is an opportunity for review and reflection on the performance of Planning Committee.
- An informal review of decisions will be undertaken by Planning Committee on an annual basis this will include carrying out site visits (or viewing photographs as appropriate) of completed developments, revisiting plans and relevant Committee reports in order to aid understanding of decisions made and the impact of those decisions.

Local Plan

- A formal training session on the Local Plan will be arranged for all Members with Counsel following completion of the public examination

3.12 Any costs for training sessions would need to be paid from the corporate training budget. A record of each Members training will be held by Committee Services.

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.

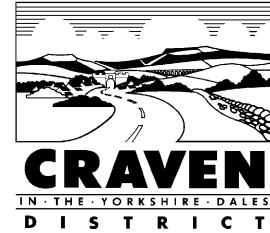
5. **Consultations with Others** – None.

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** – None

Standards Committee – 5th September 2017



LOCAL GOVERNMENT OMBUDSMAN – Review Letter 2016/2017

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To provide the Committee with a copy of the Ombudsman's Annual Review Letter 2016/2017.
2. **Recommendations** – Members are recommended to note the Ombudsman's Annual Review Letter for 2016/2017.
3. **Report**
 - 3.1 Under the Council's Constitution, Standards Committee has responsibility for the oversight of complaints handling, including complaints to the Local Government Ombudsman (LGO).
 - 3.2 The LGO 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.
 - 3.3 A copy of the LGO's report for Craven District Council for the year 2016/2017 is attached at Appendix A.
 - 3.4 For Members information, the number of complaints received by the LGO over the last three years is as follows:

Year	Number	Related To (number)	Decisions Made (number)*
2016/17	7	Planning & Development (3) Environmental Services & Public Protection (2) Housing (1) Benefits & Tax (1)	Referred back for local resolution (5) Closed after initial enquiries (2) Not upheld (1)
2015/16	8	Corporate & Other Services (2) Environmental Services & Public Protection (2) Housing (1) Planning & Development (3)	Incomplete or invalid (1) Referred back for local resolution (4) Closed after initial enquiries (2)

2014/15	11	Benefits & Tax (2) Environmental Services & Public Protection (2) Planning & Development (7)	Upheld (1) Not upheld (3) Closed after initial enquiries (5) Referred back for local resolution (4)
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*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 Monitoring Officer will become the single point of contact for the LGO with effect from the 4th September 2017.

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** – Findings of ‘*maladministration*’ and/or ‘*maladministration with injustice*’ can jeopardise the achievement of Council Plan priorities.

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 Monitoring Officer in advance of the meeting with any detailed queries or questions.

8. **Appendices** –
Appendix A – LGO Annual Review Letter 2016/2017

20 July 2017

By email

Paul Shevlin
Chief Executive
Craven District Council

Dear Paul Shevlin,

Annual Review letter 2017

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

Complaint statistics

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

The statutory duty to report Ombudsman findings and recommendations

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

Manual for Councils

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website www.lgo.org.uk/link-officers

Complaint handling training

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit 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 for England
Chair, Commission for Local Administration in England

Local Authority Report: Craven District Council
For the Period Ending: 31/03/2017

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	1	0	0	2	0	1	3	0	7

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
0	0	5	2	1	0	0%	8

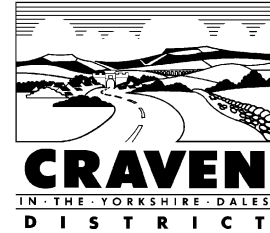
Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
0	0

Standards Committee – 5th September 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 5th July 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	Final Investigation Report issued 18 July 2017. Local resolution recommended. Both the MO and Independent Person agree that local resolution is appropriate in the circumstances and the Parish Councillor has been given until the 1 September to confirm that s/he agrees to local resolution.	Taking part in a discussion or vote in which the Parish Councillor had a disclosable pecuniary interest.
3 November 2016	AM.1367	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. Draft Investigation Report circulated to the interested parties for comment on the 20 July 2017.	Taking part in a discussion or vote in which the District Councillor had a disclosable pecuniary interest.
26 January 2017	AM.1401	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.	District Councillor. Behaving in a disrespectful and bullying and/or intimidatory manner.
23 June 2017	AM.1437	Decision Notice issued 7 July 2017. Referral for investigation. Investigator appointed 10 July 2017. Investigation on-going.	District Councillor. Behaving in a disrespectful manner and/or seeking to confer an advantage/disadvantage and/or failing to use the Council's resources in accordance with its requirements.