

Audit Committee

16 March 2020



Report of: Monitoring Officer

Title: Member Code of Conduct for Development Control Committees

Ward: Citywide

Officer Presenting Report: Tim O’Gara, Director of Legal and Democratic Services

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Recommendation

1. That the Audit Committee endorses the revised Good Practice Protocol for Planning
2. That the Audit Committee recommends to Full Council the adoption of the revised Good Practice Protocol for Planning to come into force following the May 2020 elections.

Summary

This report proposes a revised Good Practice Protocol for Planning for the Development Control Committees to form part of the revised Member Code of Conduct for consideration by the Audit Committee and for adoption by Full Council to come into force following the May 2020 elections.

The significant issues in the report are:

The significant issues are set out in paragraphs 4-7 of the report and the detail of the revised Good Practice Protocol for Planning is set out in the Appendix 1 to the report.



Policy

1. The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols, in particular the Member Code of Conduct and the Codes for the particular committees.

Consultation

2. Internal

The Mayor and Party Group Leaders were advised that the Member Code of was under review at their meeting on 18 November 2019. A Workshop was held with Members of the Value and Ethics Sub-Committee on 24 February 2020.

3. External

Not applicable

Context

4. The Council has a duty to promote and maintain high standards of conduct by its members and co-opted members. To achieve that duty, the Council must adopt a Code of Conduct dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
5. The Codes of Conduct are part of the Council's Constitution, which is kept under review by the Council's Monitoring Officer.
6. In May 2020, there will be a Mayoral election and all-out Council elections at Bristol City Council. Carrying out a review of the Code of Conducts at this time, ensures that a revised Codes of Conduct can be adopted and can come into force following the May 2020 elections.
7. On taking up office following the May 2020 elections, all new and returning members of Bristol City Council will be required to sign a copy of the revised and new Codes of Conduct.

Proposal

8. The Audit Committee is asked to consider the revised Good Practice Protocol for Planning and, subject to any proposed amendments, endorse the revised Good Practice Protocol and recommend to Full Council that the revised Protocol is adopted to come into force following the May 2020 elections.
9. The Development Control Committees (A) and (B) determine applications under the Town and Country Planning Act 1990.
10. The principal changes to the Good Practice Protocol for Planning are the removal of reference to a specific case that was contained in an addendum to the Code and amendments and clarification to paragraph 13 concerning the training of members detailing when training shall take place and requiring a record of training to be maintained. Changes have also been made to Appendix 1 of the Code concerning the situation where the decision of the committee is to overturn officer recommendations and

the addition of a new appendix 2 detailing the debate and decision process.

Other Options Considered

11. No other options have been considered.

Risk Assessment

12. The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols, of which the Planning Good Practice Protocol is an example. The Code needed to be updated so that it is ready to come into force following the May 2020 elections.

Public Sector Equality Duties

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

Legal and Resource Implications

Legal

Under section 27 of the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct by its members and co-opted members. To discharge that duty, the Council must adopt an updated Good Practice Protocol for Planning to deal with the conduct that is expected of members and co-opted members of the authority when they are sitting on the Planning committees and exercising quasi-judicial functions.

(Legal advice provided by Joanne Mansfield, Legal Services)

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

Appendices:

Appendix 1 – Code of Conduct for Planning

Appendix 2 – Revised Good Practice Protocol for Planning

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None