

Full Council

21 May 2020



Report of: Monitoring Officer

Title: Member Code of Conduct for Development Control Committees

Ward: Citywide

Recommendation

That Full Council adopts the revised Member Code of Conduct for Development Control Committees.

Summary

This report proposes a revised Member Code of Conduct for adoption by Full Council

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 Member Code of Conduct is set out in the Appendix to the report.



1. The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols.

Consultation

2. Internal

The Mayor and Party Group Leaders were advised that the Member Code of Conduct for Development Control Committees 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.

The updated Code was considered by the Audit Committee on 16 March 2020 where it was endorsed and recommended to Full Council for adoption.

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 Codes of Conduct dealing with the conduct that is expected of members and co-opted members of the authority.
5. The Code of Conduct is part of the Council's Constitution, which is kept under review by the Council's Monitoring Officer.

Proposal

6. Full Council is asked to consider the revised Member Code of Conduct for Development Control Committees and, subject to any proposed amendments, adopt the new Code to come into force following the Annual Council meeting on 21st May 2020.
7. 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
 - Amendments and clarification to paragraph concerning the training of members detailing when training shall take place and requiring a record of training to be maintained.
 - Changes to appendix 1 of the Code concerning the situation where the decision of the Committee is to overturn officer recommendations
 - The addition of a new appendix 2 detailing the debate and decision process.

Other Options Considered

8. No other options have been considered.

Risk Assessment

9. The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols, of which the Planning Code of Conduct is an example.

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

Council must promote and maintain high standards of conduct by its members and co-opted members and must adopt and keep under review Practice Protocol for Planning to deal with the conduct that is expected of members of the authority when they are sitting on the Planning Committees and exercising quasi-judicial functions. Similar considerations apply to Regulatory committees. The updated protocols will enable Members to be clear of their duties in this context.

(Legal advice provided by Nancy Rollason, Head of 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