

6. THE CODE OF CONDUCT AND NEIGHBOURHOOD PLANNING

REPORT OF: Tom Clark
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Wards Affected: All
Key Decision Not Applicable
Report to: Standards Committee
Date of Meeting: 21 October 2015

Purpose of the Report

1. To consider Code of Conduct issues arising at Parish Councils dealing with the formulation of Neighbourhood Plans.

Summary

2. Given the close proximity of Members' homes to sites being considered for Neighbourhood Planning allocation, Code of Conduct issues arise. It is important that public confidence is maintained in the Neighbourhood Plan process. The Committee is asked to consider and make observations in connection with this matter.

Recommendations

3. **To note the report and make recommendations in connection with Neighbourhood Planning and the Code of Conduct.**
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Background

4. The nature of Town and Parish Councils means that the Councillors live within their community and are therefore close to potential Neighbourhood Plan sites.
5. An issue can arise when a Council has many of its Members close to potential Neighbourhood Plan sites. In these circumstances some clerks have granted dispensations under Section 33 of the Localism Act 2011 to allow all members to continue to discuss the Neighbourhood Plan even though they may have a prejudicial interest under the relevant Code of Conduct. This still excludes those with a discloseable pecuniary interest e.g. when they own the land being considered for allocation. This however can raise questions from the public if it is not done transparently.
6. Allegations have also been made that sites on a particular side of a town or village are chosen given the whereabouts of the homes of a majority of Councillors. Once again a transparent process is required to show why some sites were selected as opposed to other sites.

7. As with most formulation of policy some discussions need to be held in private. Some Parish Councils have been bombarded with FOI requests in connection with this and it has been time consuming to deal with them.

Policy Context

8. Under Section 28 of the Localism Act 2011 the District Council is required to promote and maintain high standards of conduct for its Members and those that are responsible for in the District area. While the Neighbourhood Plan process has raised issues with the public to date these have been dealt with by the respective clerks in consultation with the Monitoring Officer. The actual Code of Conduct complaints received have involved a failure to properly disclose interests on the Declaration of Interest form and a failure to treat others with respect. In the recent past there have also been some complaints about whether a personal declaration of interest was in fact prejudicial.

Financial Implications

9. The processing of Code of Conduct complaints is a cost to the District Council. The full investigation of a complaint can generate a budget pressure.

Risk Management Implications

10. If there are a number of valid complaints it would put pressure on the Council's resources to manage that level of complaint. It is therefore important that good behaviour is encouraged both at the District Council and Town and Parish Councils to avoid such costs and maintain public confidence in local democracy.

Equality and customer service implications

11. All complaints are treated the same. Complaints are filtered by the Monitoring Officer in consultation with the appropriate independent person.

Other Material Implications

12. None.

Background Papers

13. None.