

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Monday, 23 March 2015 commencing at  
2:00 pm**

## **Present:**

Tewkesbury Borough Council  
Members:

Councillor B C Calway (Chairman)  
Councillor M Dean  
Councillor A L Mackinnon  
Councillor Ms A E Ricks  
Councillor G K Shurmer  
Councillor P D Surman (Vice-Chairman)  
and  
Councillor M J Williams

Non-Voting Independent Persons: Mr P J Kimber

Non-Voting Parish Representatives: Mr D J Horsfall

## **ST.11 ANNOUNCEMENTS**

11.1 The evacuation procedure, as noted on the Agenda, was taken as read.

## **ST.12 APOLOGIES FOR ABSENCE**

12.1 An apology for absence had been received from Independent Person Mr Martin Jauch.

## **ST.13 DECLARATIONS OF INTEREST**

13.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

13.2 The following declaration was made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
A L Mackinnon	Item 8 – Code of Conduct Complaints.	The Councillor was a Member of the Parish/Town Council concerned.	Would speak and vote.

13.3 There were no further declarations made on this occasion.

**ST.14 MINUTES**

- 14.1 The Minutes of the meeting held on 3 December 2014, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

**ST.15 PROTOCOL FOR MEMBERS AND OFFICERS INVOLVED IN THE PLANNING PROCESS**

- 15.1 The report of the Monitoring Officer, circulated at Pages No. 7-61, asked the Committee to consider the changes made to the draft revised Protocol for Councillors and Officers involved in the Planning Process following a further meeting of the Standards/Planning Working Group. The Working Group had met to consider the resolution from the Standards Committee meeting which had been held on 3 December 2014 and had made some further changes to the Protocol which the Standards Committee was now asked to recommend to Council for adoption.
- 15.2 The Monitoring Officer explained that she had brought a report to the Standards Committee in December asking it to consider amendments to the Protocol for Councillors and Officers involved in the Planning Process and, at that meeting, Members had resolved that the revised draft Protocol be referred back to the Working Group to look at examples of best practice in relation to site visits, and to consider the implications in terms of the time resource required for Members and Officers; and that, in addition, the Working Group look at Section 106 Agreements in respect of engagement and clarity in relation to the Member role. The Working Group had considered that resolution and had felt that the changes to site visits as proposed in the draft revised Protocol would make the process more transparent and streamlined as well as more efficient, not just for the Council but for stakeholders and customers alike. For this reason, the Working Group had felt that the procedure identified should not be amended. However, it had been agreed that an amendment be made to state that an item would be included on the Agenda for each Planning Committee entitled 'Advance Site Visits Briefing' which would set out those applications which had been submitted to the Authority and would require a site visit; either on the basis of Officer opinion or at the request of Members. In terms of Section 106 Agreements, an amendment had been made at Section 5 of the revised draft Protocol to include an additional Paragraph which set out how Members could become involved. Members were advised that the typographical errors which had also been identified at the last meeting had been corrected and identified as track changes.
- 15.3 The additional material considered by the Working Group was attached to the current report at Pages No. 51-61 for Members information and the Standards Committee was advised that, following the amendments proposed by the Working Group, the report had come back to the Committee for recommendation to Council.
- 15.4 A Member indicated that he had raised some of the concerns that had been discussed at the last meeting and he had found the additional information attached to the report extremely helpful as it offered a feel for what the other Authorities in Gloucestershire did in terms of site visits. He was of the view that to have no updates on the outcome of a site visit within the Planning Schedule would be a loss but he was otherwise happy that the procedure could be looked at again if it was not working. Referring to Page No. 31, he expressed the view that the Localism Act and the National Planning Policy Framework encouraged Members and developers to get involved in pre-application discussions and he felt that Paragraph 3.4.4 would not be a transparent and open way to conduct business. In terms of Page No. 40, he welcomed the clarification which was offered in respect of Section 106 Agreements but he questioned whether the proposed amendment

went far enough. He was concerned that Parish Councils tended to look towards their Borough Members for guidance on the Community Infrastructure Levy and Section 106 Agreements and he felt that this Paragraph was not really helpful in that regard.

- 15.5 In response, the Monitoring Officer explained that she realised the suggestion was that there would no longer be a formal view provided from the site visit to the Committee. However; the new procedure meant that all Planning Committee Members had the opportunity to attend the site visit which was quite a significant change and would enable all Members to relay their experiences on site back to the Committee if they so wished. The procedure would, of course, be reviewed if it was not working but the Monitoring Officer suggested that Members would need to allow it to operate for approximately 12 months to be able to properly assess it. In terms of pre-application discussions, she indicated that the Paragraph identified related to formal meetings when the Authority was providing a view on an application. There were lots of local informal meetings which Members could participate in, subject to any issues of pre-determination. In terms of Parish Council meetings, the Monitoring Officer referred to Paragraph 3.3.4. She explained that this advice had not really changed from the original Protocol. It had been included to address concerns that Members had felt it was difficult to participate at both a Parish and Borough level and still demonstrate that they had not pre-determined an application. The Protocol had been drafted on the side of caution but it did allow Members to provide a view at Parish level as long as they made it clear that the decision had been made on the basis of what had been presented at that time and that a further decision would be made at Borough level having considered the Officer's report and debate on the item at the Committee meeting. Therefore Members were not precluded from participating at both levels but they must be very careful to consider any and all information that was presented.
- 15.6 A Member suggested that it would be helpful for the Protocol to clarify what was meant by a 'formal' meeting. That Member also indicated that he did not feel Paragraphs 3.3.4 or 3.3.5 were written with Section 106 Agreements in mind as they did not contain particularly helpful guidance in that regard. In response, the Monitoring Officer indicated that the Protocol did not cater for every eventuality. She would not want to preclude Members from having discussions about Section 106 Agreements but any discussions had to be undertaken without prejudice to the outcome of any planning application that was submitted. Pages No. 39 and 40 focussed on discussions about planning obligations and the Monitoring Officer felt that this offered helpful advice to Councillors. Referring to Paragraph 5.2.4, the Member questioned whether it was really necessary for a Councillor to make a written statement to the Development Manager, and relevant Case Officer, which summarised the exchange of views/information when a Councillor had become involved in discussions with developers or individuals. In response, the Planning Solicitor indicated that this was similar to the record that should be taken when discussions were held with neighbours etc. in respect of an application. There was a judgement to be made as to whether or not the conversation that had been held warranted a written statement. In terms of the Officer view, the Development Manager indicated that it was helpful for Officers to understand what had happened and what had been said at a meeting as it often helped with the application on a practical level.

15.7 Having considered the information provided, it was

**RESOLVED**

1. That, subject to an amendment to clarify what was meant by a 'formal' meeting, the revised Protocol for Councillors and Officers involved in the Planning Process, as attached at Appendix 1 to the report, be **RECOMMENDED TO COUNCIL** for adoption
2. That the revised draft Protocol for Councillors and Officers involved in the Planning Process be distributed to all Members (including Planning Committee Members) prior to the publication of the next Council Agenda.

**ST.16 SEPARATE BUSINESS**

16.1 The Chairman proposed, and it was

**RESOLVED**

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

**ST.17 SEPARATE MINUTES**

17.1 The separate Minutes of the meeting held on 3 December 2014, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

**ST.18 CODE OF CONDUCT COMPLAINTS**

*(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)*

18.1 The Committee considered an update report on complaints received.

The meeting closed at 2:30 pm