

TEWKESBURY BOROUGH COUNCIL

Minutes of a Special Meeting of the Standards Committee held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 22 November 2016 commencing at 2:00 pm

Present:

Tewkesbury Borough Council
Members:

Councillor M Dean
Councillor Mrs S E Hillier-Richardson
Councillor T A Spencer
Councillor P D Surman (Chair)
Councillor M G Sztymiak
Councillor H A E Turbyfield and
Councillor M J Williams (Vice-Chair)

Non-Voting Independent Person: Mr P J Kimber

Non-Voting Parish Representative: Mr D J Horsfall

ST.7 ANNOUNCEMENTS

7.1 The evacuation procedure, as set out on the Agenda, was taken as read.

ST.8 APOLOGIES FOR ABSENCE

8.1 An apology for absence was received from Independent Member, Mr Martin Jauch.

ST.9 DECLARATIONS OF INTEREST

9.1 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.

9.2 There were no declarations of absence on this occasion.

ST.10 REVIEW OF PROTOCOL FOR COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING PROCESS

10.1 The report of the Monitoring Officer, circulated at Pages No. 1-84, asked the Committee to consider the proposed amendments to the Protocol for Councillors and Officers Involved in the Planning Process, along with any comments made by the Planning Committee, and recommend it to the Council for adoption.

10.2 The Monitoring Officer explained that the current Protocol had been adopted in April 2015 with a review due after 12 months. In order that the review be undertaken, a Standards/Planning Working Group had been set up and that Group had met in September. There were two main changes proposed which related to the section on Planning Committee site visits but there were some other minor typographical and formatting amendments also suggested. The revised Protocol was attached to the report at Appendix 1 and a version showing the track changes was attached at Appendix 2.

10.3 Referring to the main amendments, the Monitoring Officer explained that these

related to the site visits and, in particular, the fact that, to date, Parish Councils had been allowed to attend the visits to point out matters of note. This had not really worked as anticipated because the representatives that attended usually wanted to offer opinions on the application which was not the intention of the visit. This resulted in concerns about transparency in this regard as the appropriate time to debate the application was at Committee, with all parties present, not at a site visit which was just an opportunity for Members to see the site and allow them to get a sense of the application. The second point was about the 'advanced sites briefing note' which was included on the Agenda for each Committee meeting; this had not really been successful since its introduction as it was never known with certainty which sites would be visited in advance. It was therefore recommended that the requirement for this be removed.

- 10.4 The Monitoring Officer advised that a similar report had been considered by the Planning Committee that morning and Members had agreed those amendments. In addition, the Monitoring Officer explained that, prior to Planning Committee earlier that day, there had been an incident whereby Members had been provided with a note detailing someone's particular view of the outcome of a Court case that they and the Council had recently been involved in. Members were concerned about the position in which the note had put the Council, and in particular one of the Planning Officers, and questioned whether there was anything that could be added to the Protocol to stop this happening in future. In response, the Monitoring Officer explained that there was nothing that could be done to resolve the issue within the Protocol.
- 10.5 During the discussion which ensued, a Member drew attention to Page No. 39, Planning Obligations Officer Working Group, and questioned whether it was correct to state that all planning obligations must meet the test of the Community Infrastructure Levy (CIL) Regulations. In response, the Monitoring Officer explained that the CIL Regulations had not yet been adopted by the Council but it was good practice to use them to interpret the contribution made and, as the Council was bound by the Regulations, it seemed sensible to 'futureproof' the Protocol by including that reference. The Member also drew attention to point 4 on the same page and asked that heads of terms be amended to **Heads of Terms**. In reference to Page No. 41, Summary Guide of Do's and Don'ts, she suggested that the first 'do' did not really make sense and wondered if it could be reworded so it was clear that any discussions with developers were structured and would involve Officers. On Page No. 42, the Member drew attention to two points and questioned whether they were necessary. In response the Monitoring Officer felt that 'Do use meetings to show leadership and vision' could be removed but 'Do encourage positive outcomes' should be left in. At Page No. 43 there was a typographical error at Paragraph 1.3 whereby the word 'the' needed to be removed to read 'Site visits subject to ~~the~~ this protocol...'. In terms of the Parish Councils not being invited to the site visits, the Member felt that they should be advised of this change as soon as possible and the Monitoring Officer confirmed this was her intention as long as that amendment to the Protocol was approved by the Council on 6 December. The last point raised by the Member referred to Page No. 44, that 'local Ward Members were asked to highlight any local issues relevant to the site visit'; she advised that the Planning Committee Chair was always helpful and allowed those Councillors who were not Ward Members, but who were impacted by an application, to speak at Committee and she questioned whether this would continue to be the case. In response the Monitoring Officer explained that the paragraph was intended to include Members in Wards that were affected as well as those in which the application was located. The site visit invitation was sent as a matter of course to all Committee Members, plus local Members and Ward Members who were directly affected, and this would continue to be the case. Members agreed that the definition of those who may attend a site visit, as set out at Paragraph 2.1, was relevant and that reference would be added to the Protocol.

10.6 Referring to the ability for Members to 'call in' sites for a visit, a Member advised that there had been instances where a Member had 'called in' a site that was not within their Ward. In response, the Monitoring Officer advised that this was a matter of etiquette. The rule was that any Member could ask for a site visit but it did seem appropriate to speak to the Local Member before doing so if it was someone else's Ward.

10.7 Accordingly, it was

RESOLVED

That it be **RECOMMENDED TO COUNCIL** that the revised Protocol be **ADOPTED**, subject to the following amendments:

- Appendix A – Planning Obligations Officer Working Group – Terms of Reference – point 4 - amend to read '...on the draft **Heads of Terms** for major applications...'.
- Appendix B – Summary Guide of Do's and Don'ts – First point under 'Do' – amend to read 'Do always **involve Officers and structure ensure that any** discussions with developers **are structured and involve Officers**'.
- Appendix B - Summary Guide of Do's and Don'ts – Point 12 under 'Do' – remove wording '**Do use Meetings to show leadership and vision**'.
- Procedure for Planning Committee Site Visits – Paragraph 1.3 - amend to read '...visits subject to ~~the~~ this protocol....'
- Procedure for Planning Committee Site Visits – Paragraph 3.2 – fifth bullet point – amend to read 'Local Ward Members (**see 2.1**) will be asked to highlight any local issues relevant to the site visit'.

ST.11 SEPARATE BUSINESS

11.1 The Chair 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.12 CODE OF CONDUCT COMPLAINTS

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

12.1 The Committee considered an update report on complaints received.

The meeting closed at 2:45 pm