

**STANDARDS COMMITTEE  
HELD ON 1 DECEMBER 2005  
(FROM 5.30 PM TO 7.44 PM)**

**PRESENT:** Mrs R Richards in the Chair. Councillors Hawkins and Willis.  
Dr M J French (Appointed Member) and Mrs A Holdsworth (Parish Co-opted Member).

**In attendance:** Mr G Badcock and Mr L V Pinkney (Substitute Appointed Members).

**Late Arrivals:** None.

**Early Departures:** Councillor Hawkins at 7.15 pm.

17/05 - **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:**  
There were no apologies for absence.

(5.34 pm)

18/05 - **DECLARATIONS OF INTEREST:** Councillor Hawkins declared a personal interest as a Member of Knaresborough Town Council. Mrs A Holdsworth also declared a personal interest as a Member of Killinghall Parish Council.

(5.34 pm)

19/05 - **MINUTES:** The Minutes of the meeting of the Committee held on 2 November 2005 were unanimously approved as a correct record and signed by the Chair, subject to Mrs Holdsworth's name being included as an apology for absence.

(5.34 pm)

20/05 - **EXEMPT INFORMATION:** There was no exempt information.

(5.34 pm)

21/05 - **PUBLIC ARRANGEMENTS – QUESTIONS:** No questions had been received.

(5.35 pm)

**MATTER REFERRED TO COUNCIL FOR CONSIDERATION**

22/05 - **CODE OF PRACTICE FOR DEVELOPMENT CONTROL:** The Head of Legal and Democratic Services submitted a written report, together with the draft Planning Code of Good Practice for Members and Officers and the responses to the consultation exercise undertaken in respect of the new Code, now before the Standards Committee for comment to the General Purposes Committee and Council in accordance with the timetable explained to Members at their last meeting held on 1 November 2005.

In reminding the Committee of that timetable, the Chief Solicitor took the opportunity to explain the consultation exercise undertaken under which copies of the draft Code had been provided to all Members of the Council, Members of the Standards Committee, the Chief Executive and Directors together with all appropriate staff within the Planning and Legal Sections. The deadline for comments had been 22 November, and those responses received to the proposed Code were set out in Appendix 2 to the report, and which the Standards Committee were now asked to consider in conjunction with the draft Code set out in Appendix 1 to the report.

In addressing the comments received from Councillor Webber concerning paragraph 1.7 of the Code, the special position of Ward Members, the Committee accepted the suggested Officer additions to the Code as detailed in the Appendix subject to removal of the reference to SO13. In responding to the concerns raised by Councillor Webber regarding Ward Members moving applications, the Committee, when considering Appendix C to the Code was of the view that the Chair of the Planning Committee should usually, formally, move and the Vice-Chair second, Officer recommendations, in order that the Committee could move into debate upon the applications for determination. If the Chair felt unable to move the Officer's recommendation, then the Vice-Chair would assume the initiative and move the application and a seconder sought from the membership. It was considered that this convention would address Councillor Webber's concerns over Ward Members being given preferential status.

In then discussing the responses received from Mr Pinkney, the Committee felt that there was merit in producing a succinct document or guide of "do's and don't's" in relation to the Code, and in respect of the proposed document prepared by the Principal Solicitor and circulated to Members of the Committee, it was agreed that this document should be condensed in order to comprise approximately two pages of concise guidance, supplemented by reference to the full Code. Members asked that Section 8 of Appendix G together with the fourth and last paragraphs of Section 10 be added to the Code itself. Accepting the need for an amendment to the Scheme of Delegation, the Committee also agreed the proposed amendment in paragraph 6 of Appendix 2. Subject to the rewording of the final sentence to paragraph 1.5(iii) of the Code, this element was approved as was paragraph 1.9 of the Code, following explanation from the Head of Planning Services with regard to the practice, of avoiding hospitality offered by applicants and the existing Officer guidance on the acceptance of gifts and hospitality. The Officer suggestions in respect of amendment to pages 14 and 19 in response to the observations of Mr Pinkney were also approved. With regard to the suggested standard form of words for use in the event that Members were contacted by an applicant or an objector, the Committee agreed that in respect of the revised Appendix A circulated by the Head of Planning Services, the word "quickly" in the second sentence of the first paragraph be substituted by the word "efficiently" and that the draft letter be further amended in order to explain the rights of applicants/objectors to participate in the planning process and make representations on applications received. In dealing with the suggestion that in the interests of complete openness, applicants/objectors should be permitted to hear what was said by Officers and Members at site visits, the Committee felt that no discussion of the merits of the application should be undertaken at such visits, rather, as was existing practice, an

explanation/clarification of the application. With that in mind, it was agreed that Section 4 of Appendix D be amended to reflect that the merits of the application should not be discussed at site visits, but visits used to direct Members to the matters they had come to view, and also the Committee's opinion that Members of the public should not have the right to address Members, either individually or as a Group, at site visits. In noting the issues raised by Mr Pinkney regarding the enforcement of planning control and the control of advertisements, the Committee accepted the Officer view, and in doing so, concurred that the Planning Code of Conduct should, for the purposes of completeness, refer to the role of enforcement and its part in the planning process. In concluding with the comments received from Mr Pinkney, the Committee concurred with his sentiments on the need to provide a faster, fairer process for the determination of applications, which the Officers were confident that the structure adopted by Council in October would achieve by the streamlined procedures approved.

The Committee then addressed a suggestion from the Principal Solicitor, which proposed an amendment to Part C (E) of the Planning Scheme of Delegation, currently at variance with paragraph 1.5(vii) of the Code in order to bring the Scheme in line with the Code and the advice given on Members' involvement either as an objector or supporter of an application and the implications in respect of a prejudicial interest. In raising the issue, the Principal Solicitor also suggested that the position of Members not serving on the Planning Committee either as a Member or substitute Member would also be qualified in that as a non-serving Member of the Committee they could, in requesting reference up, declare support or objection of an application in making such requests.

The Committee then addressed those remaining aspects of the Code and its appendices, not considered by way of the representations received, and raised no amendments to Appendix B, nor, save clarification to the heading, Appendix F and in respect of Appendix C regarding the Opportunity to Speak Scheme and associated guide, highlighted a number of minor amendments to paragraphs 4, 5, 10 and 12 in the main consequential to the revised planning arrangements approved by Council on 12 October 2005. The Chief Solicitor also referred to suggested guidance for "dual hatted Members" circulated subsequently to all Members of the Standards Committee, and which it was suggested be incorporated within the Code as Appendix H and which was approved without amendment.

#### **RECOMMENDED:**

That subject to the amendments to the Code and the various appendices as considered in the preamble above, the Code of Conduct be approved for consideration by the General Purposes Committee and Council.

(The various votes were unanimous, save in respect of the amendment to Appendix C (Chair/Vice-Chair to move/second Officer recommendations) in respect of which six Members voted in favour and one voted against).

(5.35 pm – 7.44 pm)