

STANDARDS COMMITTEE
19 SEPTEMBER 2007
(FROM 5.30 PM TO 6.55 PM)

PRESENT: Mr J Sladdin in the Chair. Dr M J French and Mrs R Richards (Appointed Members) and Mrs Holdsworth (Parish Co-opted Member). Councillors Kevin Hawkins and Fred Willis.

Late Arrivals: None.

Early Departures: None.

7/07 - **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:** Apologies for absence had been received from Mr Geoff Badcock and Councillor Pauline McHardy. No substitute Members had been appointed.

(5.30 pm)

8/07 - **DECLARATIONS OF INTEREST:** Councillor Kevin Hawkins declared a personal interest as a Member of Knaresborough Town Council. Ann Holdsworth also declared a personal interest as a Member of Killinghall Town Council.

(5.30 pm)

9/07 - **MINUTES:** In relation to Minute 06/07 – Revised Code of Conduct for Members – Dr French requested an update in relation to the number of declarations received from both District and Parish Councillors in relation to their Financial and Other Interests as a result of the adoption of the revised Code of Conduct for Members. It was agreed that a report would be submitted to the next meeting of the Committee.

The Minutes of the meeting of the Committee held on 13 June 2007 were then approved as a correct record and signed by the Chair.

(Four Members voted in favour of the motion with two abstentions).

(5.31 pm)

10/07 - **EXEMPT INFORMATION:** There were no exempt information items.

(5.32 pm)

11/07 - **PUBLIC ARRANGEMENTS – QUESTIONS:** There were no such questions to consider.

(5.32 pm)

MATTERS REFERRED TO COUNCIL FOR CONSIDERATION

12/07 - **REVISED CODE OF CONDUCT FOR MEMBERS AND CONSEQUENTIAL AMENDMENTS TO THE PLANNING CODE OF GOOD PRACTICE:** The Principal Solicitor submitted a written report in relation to the Council's decision to adopt the new Code of Conduct for Members issued by the Secretary of State on 4 April 2007. The report identified the amendments that ought to be made to the Planning Code of Good Practice, arising out of the Council's adoption of the new Code of Conduct. Attached, as appendices to the report were extracts of the existing code, which required amendment. A copy of the actual amendments reflecting changes to the Members Code were circulated at the meeting.

The Principal Solicitor referred to paragraph 3.7 of the report in relation to Members making representations to Planning Committee, and advised that officers were recommending that points (i) and (iii) be combined to ensure that other Members, including those with prejudicial interests, be afforded no extra right of representation at Planning Committee than would otherwise be afforded to another member, other than the Ward Member(s). Members of the Committee considered amendments to the Code of Practice generally, however, focused upon amendment 6 relating to representations at Committee. Councillor Hawkins referred to issues not covered by the proposed amendments, which might lead to anomalies, and the Committee discussed provisions for those Members who had fettered their discretion either against or in favour of a planning application, and how they should be represented at Committee. The Committee considered whether it would wish to support combining paragraphs (i) and (iii) as suggested in the report, or whether they would wish to incorporate the amendments set out in paragraph 3.7 as they currently stood in the report. It was suggested as an amendment that "Members, other than Ward Members, not being Members of the Committee and not having a prejudicial interest could address Committee" and the words "with the consent of the Chairman", be deleted from paragraph (i). This would allow those Members to exercise a similar right to speak as Members with a prejudicial interest, which was now recommended by the Code of Practice. The Committee considered those reasons why Members with prejudicial interests might want to speak, and acting in the wider district-wide interest.

It was acknowledged that the report and deliberations of the Standards Committee would be submitted to the General Purposes Committee at its meeting to be held on Thursday 27 September 2007.

In response to Members' questions regarding the communication of amendments made to the Code, it was acknowledged that these would be circulated to Members of the Council via their copies of the Constitution. Councillor Willis referred to the need for a concise means of communicating how Members should behave, and queried whether or not it was possible to summarise the advice further. In response, the Principal Solicitor referred to the list of 'do's and don'ts' set out as an appendix to the report. The Head of Legal and Democratic Services advised that in any event, Members were expected to read and understand all advice provided in this regard.

At that point, the Chair invited the Committee to come to a conclusion in relation to the amendments attached to the report, and in relation to amendments 1-5 and 7-9, it was moved and seconded that the Council accepts and adopts the revisions to the Planning Code of Conduct set out in the appendix to the report. In relation to amendment 6 it was moved and seconded that the Planning Code of Conduct be revised to incorporate paragraph 3.7 of the Principal Solicitor's report as it currently stood, but with deletion of the words "with the consent of the Chairman" from paragraph (i) and with the caveat that the Standards Committee review the impact of the revisions six months after the beginning of their operation.

RECOMMENDED (UNANIMOUSLY):

That (1) In relation to amendments 1-5 and 7-9, the Council accepts and adopts the revisions to the Planning Code of Conduct set out in the appendix to the report;

(2) in relation to amendment 6, paragraph 3.7 be incorporated as it stood in the Principal Solicitor's report and the words "with the consent of the Chair" be deleted from paragraph (i) and with the caveat that the impact of the revisions be reviewed in six months following the beginning of their operation, and

(3) as a result of amendment 6, a new category of speaker would be introduced to Planning Committee "other Members, including those Members with prejudicial interests" which would be slotted into the Opportunity to Speak after Ward Members, so that the following categories of speaker would be allowed in the following order:-

- Ward Members;
- Other Members;
- Parish Representatives;
- Objectors
- Applicants/Supporters

(5.32 pm – 6.40 pm)

13/07 - **RE-APPOINTMENT OF INDEPENDENT MEMBER TO STANDARDS**

COMMITTEE: The Head of Legal and Democratic Services submitted a written report, following the resignation from the Standards Committee of its current Chair, Mr Geoff Badcock with effect from 31 October 2007. At the Monitoring Officer's request, Mr Badcock had confirmed that he would be prepared to seek re-appointment for a further term of two years maximum if the Council approved. The Committee was therefore invited to recommend to Council that Mr Badcock be reappointed for a further period of two years.

RECOMMENDED (UNANIMOUSLY):

That Council reappoint Mr Badcock as an appointed Member for a further period of two years.

(6.40 pm – 6.43 pm)