

## **STANDARDS COMMITTEE**

Minutes of the meeting held at 7.00 pm on 15 July 2021

### **Present:**

Councillor Nicholas Bennett MA J.P. (Chairman)  
Councillor Vanessa Allen (Vice-Chairman)  
Dr Simon Davey, Councillor Melanie Stevens and  
Councillor Michael Tickner

### **1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

Councillor Vanessa Allen proposed that Councillor Nicolas Bennett be appointed Chairman. The motion was seconded by Councillor Stevens and Councillor Bennett was duly elected Chairman.

Councillor Bennett proposed that Councillor Vanessa Allen be appointed Vice-Chairman. The motion was seconded by Councillor Tickner and Councillor Allen was duly elected Vice-Chairman.

**RESOLVED: That Councillor Nicholas Bennett be appointed Chairman and Councillor Vanessa Allen be appointed Vice-Chairman.**

### **2 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Stephen Wells and Mr Ken Palmer.

### **3 DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

### **4 MINUTES OF THE MEETING HELD ON 2 MARCH 2021**

The minutes of the meeting held on 2 March 2020, were agreed and signed as a correct record.

### **5 QUESTIONS**

No questions were received.

**6 DISCUSSION WITH THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND THE ASSISTANT DIRECTOR FOR PLANNING**  
**Report CSD21068**

At the last meeting it was recognised that a large proportion of Code of Conduct Complaints related to planning matters. It was therefore agreed that the Chairman of the Development Control Committee and the Assistant Director for Planning should be invited to the next meeting of the Standards Committee on 15 July 2021. It was further agreed that the discussion should centre around the report of the Planning Advisory Service and the Council's existing Planning Protocol.

The Chairman welcomed Councillor Alexa Michael (Chairman of the Development Control Committee) and Mr Tim Horsman (Assistant Director for Planning) to the meeting.

The Chairman of the Development Control Committee confirmed that practically all of the initial recommendations from the Planning Advisory Service (PAS) had been accepted and a Local Planning Protocol had been developed, endorsed by Full Council and now formed part of the Council's Constitution. The Chairman of the Development Control Committee addressed each of the recommendations made by the PAS and provided an update on the progress that had been made.

The Chairman of the Development Control Committee was pleased with the revised format of committee agendas and the improved quality of committee reports. Progress had also been made in reducing the number of applications being referred to Committee.

The principle of Officer presentations had been accepted but had not been advanced as much as it could have been. The PAS had confirmed that they considered that this would be of benefit and was therefore something to be developed.

The Committee noted that planning training for Members was provided but this stopped short of being mandatory. The Chairman of the Development Control Committee stated that in her opinion when Members chose to sit on a planning committee they should take all the available training.

The Assistant Director for Planning highlighted that Appendix 9 of the report (Page 85) provided a useful up-to-date summary of the current position with respect to the recommendations from the PAS. It was also noted that the PAS were currently undertaking a further review.

A Member noted that Planning Committees were a difficult "grey" area for Members to navigate as decisions were often subjective and it was not possible to please all those party to a planning application. There was a need for the Standards Committee to focus on the issues of Member integrity and the public perception of Member integrity. It was noted that there had been a

number of challenging applications and there was a need to improve the public perception of the planning system in Bromley.

A Member noted that the PAS report contained some very strong recommendations yet there appeared to be very little reference to these recommendations in the Local Planning Protocol. The Chairman of the Development Control Committee responded that the intention had been for the Local Planning Protocol to address the recommendations in the PAS report. It was noted that the Protocol could be revised where Members felt that there were areas that could be strengthened. The Chairman of the Development Control Committee explained that the Local Planning Protocol was primarily about the way in which the committees were run and how members should behave rather than the decisions that were taken as these were often based on planning policies and principles. The development of a Local Planning Protocol was one of the recommendations made by the PAS. The Independent Person suggested that the Local Planning Protocol should cover all areas of governance and it was therefore a significant omission if the protocol did not guide on decision making. It was suggested that it may be helpful to strengthen the Protocol to include more information to support Members to take effective decisions. In response, the Chairman of the Development Control Committee clarified that the Planning Protocol did set out the procedure for decision making whilst highlighting that it was the responsibility of individual members to be as fully informed as possible. It was the personal view of the Chairman of the Development Control Committee that it would be helpful for Officers to make more open recommendations for the more contentious applications. This would then highlight when applications were more finely balanced as planning was a question of judgement.

A Member highlighted that the *Probity in Planning* document underpinned both the PAS report and the Local Planning Protocol. The Member reported that she had been interviewed both as part of the initial PAS review and for the follow-up review. In the second interview the Member had the impression that the PAS had been surprised by the lack of implementation of the recommendations and the Member could only assume that there had not been a will amongst other Members to implement the recommendations.

It was highlighted that the issues of call-in to committee and local views were important. It was felt that there needed to be a greater awareness of the impact of decisions that were taken and the costs of any subsequent appeal. The Committee recognised that there should be a more strategic approach to planning decisions with greater account taken of the impact on the Borough as a whole

The Chairman of the Standards Committee stressed that the central issue was that of the integrity of members. It was undeniable that often when residents were not happy with the outcome of planning applications there were unsubstantiated allegations of corruption. It was therefore important that the Council and its Members were transparent. The importance of training

was highlighted as this would ensure that Members had the basic information they required to take planning decisions.

The Chairman of the Standards Committee welcomed the improved information presented to the Development Control Committee in respect of planning appeals, although it was felt that this could go further. The Chairman also suggested that where a pre-application meeting was held, the committee report should make clear when the applicant had followed all the advice.

In terms of the accountability of the Development Control Committee, it was noted that the Chairman of that Committee was accountable to Full Council. In addition, any decision taken by the Committee was subject to judicial review and the appeals system. Ultimately, there was accountability through public scrutiny and the ballot box.

In relation to competence, the Independent Person highlighted the need to provide regular training and refresher training in order to demonstrate that Members had the relevant competence to take decisions at meetings. As such it was the view of the Independent Person that training in planning matters should be compulsory for all Members of the Council (as there was not a specific pool of substitutes for planning meetings). It was also noted that the individual political parties had a role to play in selecting candidates who were competent to fulfil the role and had integrity.

In drawing the discussion to a close, the Chairman of the Standards Committee noted that recently there had been discussions on some further changes. Matters considered were:

1. When more than 50% of a planning committee declared that they knew a planning applicant the matter would automatically be referred to the Development Control Committee. The Chairman of the Development Control Committee would regularly liaise with officers and when applications were submitted by local developers whom many Members may know the application would automatically be referred to the Development Control Committee.
2. Members to be made aware that a "Cab Rank" principle operated for the allocation of planning applications and they should therefore not request that an application be referred to a specific committee.
3. Councillors who have called an application to committee should not move or second the motion.

The Committee welcomed the proposals and noted the importance of not only ensuring that there was open and transparent decision making but that the Council was seen to be open and transparent in its decision making. It was anticipated that any changes would be considered by Full Council in October 2021.

Councillor Allen proposed that:

It be recommended that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.

The motion was seconded by Councillor Stevens, was put to the vote and was CARRIED (Councillor Tickner dissented).

The Chairman thanked the Chairman of the Development Control Committee and the Assistant Director of Planning for attending the meeting.

**RESOLVED: That**

- 1. The issues of probity of planning be further considered by the Standards Committee at its next meeting in December 2021; and**
- 2. It be recommended that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.**

**7 MONITORING OFFICER'S GENERAL REPORT  
Report CSD21069**

The report updated the Committee on a number of standards issues.

The Monitoring Officer reported that both the Committee for Standards in Public Life and the LGA were beginning to focus on online behaviour, particularly online bullying of Councillors. It was suggested that this may be something the Standards Committee would wish to consider further at its next meeting with a view to establishing a policy in time for May 2022.

Appointment of an Independent Person

The Committee noted that Mr Ken Palmer had recently resigned. Members extended their thanks to Mr Palmer for the support he had provided to improving ethical standards across the Council. The Committee were keen to ensure lessons were learnt from Mr Palmer's resignation and it was agreed that it may be helpful to hold some form of exit interview.

Turning to the recruitment of a new Independent Person, it was agreed that it would be helpful for a small group from the Committee (to include Cllrs Allen and Stevens and Dr. Davey) to see the recruitment plan for the role and review the Job Description. It was suggested that it would be helpful to promote the role through Community Links Bromley and the Federation of Businesses as well as the Mayor's Web Pages and the Facebook page.

Dispensations Granted

It was noted that the following dispensation was granted to Councillor Fawthrop:

*That an unconditional dispensation be granted to Cllr Simon Fawthrop to be allowed to attend Plans Sub-Committee No. 1 on 10<sup>th</sup> June 2021 as a member of the public for his planning application for 3 Monarch Close, West Wickham, BR4 9DQ. The dispensation applies to any subsequent meetings on the same or similar application until the end of the municipal year.*

### Register of Interests

The Committee noted that in relation to the record of Members' addresses on the register of interest, the statute was clear, and a general policy to remove addresses would be unlawful. There were limited circumstances, where there was a known risk, where the address could be redacted and there was an ongoing requirement to regularly review any redaction.

In terms of reviewing declarations of interest, the Committee noted that the Statute required interests to be declared within 28 days of election and then within 28 days of an interest arising.

The Chairman highlighted the need to ensure that Members were aware of how to complete the declaration of interest and the information that needed to be provided including payment of election expenses by political parties. It was noted that a helpful principle for completing declarations of interest was "declare everything".

The Independent Person suggested that it may be helpful to provide annual reminders to Co-opted Members to review and update their registers of interest.

**RESOLVED: That the report be noted.**

### **8 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED**

**RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.**

**The following summaries  
refer to matters involving exempt information**

### **9 EXEMPT MINUTES OF THE MEETING HELD ON 2 MARCH 2021**

The exempt minutes of the meeting held on 2 March 2021, were agreed and signed as a correct record.

**10 MONITORING OFFICER'S GENERAL REPORT - PART 2  
APPENDIX**

The Committee noted the Part 2 appendix.

It was agreed that the Independent Person would continue to be involved in the Initial Filtering process for complaints.

**DIRECTOR OF CORPORATE SERVICES**

The Chairman highlighted that the Director of Corporate Services would be retiring at the end of the week and this was therefore the last meeting that he would attend, the Committee extended its thanks to Mr Mark Bowen and wished him a very happy retirement.

The Meeting ended at 8.53 pm

Chairman