

**Minutes of the Members' Code of Conduct Committee
27 November 2019**

Present:

Murray Litvak (Chairman)

Councillors:

C.F. Barnard

V.J. Leighton

C. Bateson

R.W. Sider BEM

J.T.F. Doran

R.A. Smith-Ainsley

R.D. Dunn

Apologies: Councillor A.C. Harman

314/19 Minutes

The minutes of the meeting held on 24 September 2019 were agreed as a correct record.

315/19 Disclosures of Interest

Councillor Smith-Ainsley declared that he had an interest in the Investigation Report to be considered by the Committee in Part II of the Agenda.

316/19 Review of Planning Code

The Head of Corporate Governance, in consultation with the Planning Development Manager, had reviewed the Planning Code and presented a draft code for consideration. The Committee thoroughly discussed the proposals and suggested some further changes and amendments to the code.

It was also agreed that in view of recent legal decisions, additional training should be arranged for all members on the need for clear reasons, linked to planning policies, when refusing an application or applying conditions to an application.

Resolved that:

1. The Head of Corporate Governance make further amendments to the Planning Code as discussed.
2. Training is arranged for all members on the need to align their decision making with planning policies

317/19 Members' Induction training

This item is to be considered by the Members' Development Steering Group.

318/19 Exempt Business

The Panel considered whether the press and public should be excluded from the meeting during consideration of the following matter on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act.

The Panel in making its decision had regard to all circumstances and was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Resolved that in the interest of having a frank and open discussion about the matter, the press and public are excluded from the meeting.

319/19 Investigation Report

The Committee received a report from an independent investigator following a complaint against a councillor. It was considered to be a very thorough and comprehensive investigation conducted in a professional manner. The report found that there was no breach of the Code of Conduct. The outcome of the investigation had already been communicated to the Complainant and to the subject councillor.

Concern was expressed at the length of time the investigation had taken. Whilst this was regrettable, some witnesses had been required to be interviewed a number of times to ensure complete clarity and understanding.

The Committee accepted the content of the reports and unanimously accepted the recommendations made by the investigator and

Resolved that

1. Mandatory training should be arranged for all members on lobbying to ensure understanding of what is acceptable practice and what is not. This is to be completed by February 2020. The Head of Corporate Governance is to write to all group leaders to advise them of the Committee's decision and to request their assistance in ensuring that all councillors attend the training.
2. The Head of Corporate Governance and the Chairman of the Planning Committee will identify a suitable training opportunity as recommended by the investigator.
3. The Head of Corporate Governance to identify a suitable review for the Planning Committee (such as the Local Government Association Planning Advisory Service) to consider the Planning Committee process in Spelthorne and report back on their findings.

4. The Head of Corporate Governance refers the issue detailed in paragraph 8.1.5 to the relevant Group Leader for action.

320/19 AOB

Councillor Sider wished to record a vote of thanks to Michael Graham, Head of Corporate Governance, and wished him well in his future role.

Michael Graham thanked Councillor Sider for his good wishes.

It was also agreed that a further meeting of the Committee will be held in January to discuss:

- (a) a proposed substitution policy for the Planning Committee,
- (b) the amended Planning Code and
- (c) to address any outstanding conduct issues where councillors have not responded to requests to meet with the Monitoring Officer.