

LOG OF CODE OF CONDUCT ENQUIRIES SINCE LAST MEETING – 1st DECEMBER 2011

CASE NO.	DATE OF ENQUIRY	NATURE OF ENQUIRY	ADVICE GIVEN	CODE OF CONDUCT REFERENCE
87	22.12.11	Enquiry from a District Councillor regarding the interests he would need to declare at District/Parish meetings as a dual hatted Member and a Member of the Development Management Panel in the event of a planning or TPO application.	<p>The Code does not prevent a Member from considering, speaking or voting on the same issue at more than one tier of government.</p> <p>Advice given on what action the District Councillor as a Member of Development Management Panel should take if a planning application was considered by a Parish Council ie. make it clear that you are a Member of the Panel but will take into account all evidence and representations made at that time. At Development Management Panel declare a personal interest as a Member of the Parish Council but that you are considering the matter afresh in the light of new information which may be available. (CD)</p>	8, 9, 10 and 12

88	5.3.12	Enquiry from a Parish Councillor regarding the interests he would need to declare as one of his colleague Councillors had a planning application under consideration by the Council.	<p>Advised that the Councillor (who had submitted the application) had a clear personal and prejudicial interest but could speak under paragraph 12(2) and then leave the room if this had been adopted by the Parish Council.</p> <p>Remainder of the Parish Council would need to decide whether they were close associates of the Councillor ie. Is the applicant someone who a member of the public is likely to think a Member might be prepared to favour or disadvantage. (CM)</p>	10 and 12
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89	8.3.12	Various enquiries	General advice given to all Members to share with their Town and Parish Councils information on Section 25 of the Localism Act 2011 and Predetermination. Section 25 introduces a presumption that because a Councillor has previously indicated a view on a matter it does not mean they have a closed mind. A Councillor is able to hold a preliminary view, freely discuss and publicise their views and voting intentions. However, Councillors must show that they are prepared to listen to all of the arguments and evidence before making a decision and be prepared to change views if persuaded that they should. (CM)	6 c
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90	12.3.12	Enquiry from a Town Council regarding an interpretation of the Code on Local Authority Publicity.	The circumstances involved Town Council elections and publicity for events locally. Advice given that there would be no problem provided there was no mention of the names of those Councillors standing for election in the publicity issued by the Council. If the publicity was issued on behalf of the Council as a body, without identifying individuals this would be acceptable. (CM)	6 c
91	3.4.12	Enquiry from a Parish Council regarding publication of an Annual Report and publicity.	Advice given based on the Code of Recommended Practice on Local Authority Publicity 2011, that it would be preferable to wait until after elections to publish an annual report especially if it referred to Parish or District Councillors who might be standing for election. Alternative would be to anonymise the report. (CM)	6 c

92	12.4.12	Enquiry from a Town Council regarding an interpretation of the Code of Recommended Practice on Local Authority Publicity 2011 given events being arranged to celebrate the Diamond Jubilee.	Advice given that there would be a problem if notices promoting events were published and a person associated with an event was standing for election. However, if publicity was issued before the Town Council was aware that an individual was a candidate in an election it cannot reasonably be considered to be a breach, but any publicity subsequent to nomination as a candidate, would be. (CM).	6 c
93	10.4.12	Enquiry from Town Council regarding the interests to be declared if a planning application was submitted by the Council.	Advice given that all Members of the Town Council's Planning Committee would have to declare a personal and prejudicial interest. Mention was made of the entitlement to speak and then withdraw in paragraph 12(2) had been adopted.	8,9,10 and 12

93 cont'd			Advice given about dispensation. Recommended that the Council decide not to make representations as a statutory consultee on their own application. (CM)	
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