

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

11 July 2023

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 CHANGES TO CONSTITUTION

The report recommends that changes are made to the constitution to update the Members' Planning Code of Good Practice.

1.1 Introduction

1.1.1 The Members' Planning Code of Good Practice is contained within Part 5 of the Council's Constitution at Protocol E.

1.1.2 Paragraph E8.6 provides that particular arrangements may need to be made in respect of councillors whose business is, or includes, the making of planning applications on behalf of others. It does not go on to specify what those arrangements may include.

1.1.3 In the interests of transparency, it is considered appropriate to detail the scope of such arrangements within the Code of Good Practice.

1.1.4 I have therefore reviewed the Members' Planning Code of Good Practice in the Council's constitution to ensure that appropriate safeguards are transparently identified within the Code.

1.1.5 Paragraph E9.1 of the Code has also been updated to reflect the recommendations of the Overview and Scrutiny Committee on 29 June 2023 in respect of Member call-in. These are considered at agenda item 14.

1.1.6 The amended Code is attached at **Annex 1**.

1.2 Legal Implications

1.2.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

1.3 Financial and Value for Money Considerations

1.3.1 None.

1.4 Risk Assessment

- 1.4.1 The changes to the Constitution proposed in this report are required to ensure that appropriate safeguards for councillors who act as planning agents are transparently identified in the Planning Code of Good Practice.

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Recommendations

- 1.6.1 It is **RECOMMENDED** that the Monitoring Officer be authorised to amend the Members' Planning Code of Good Practice in Part 5 of Constitution as set out at **Annex 1** to give effect to the changes outlined in this report.

Background papers:

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