

From: [REDACTED]
To: Elliott, Kieran [REDACTED]
Cc: [REDACTED]
Subject: Protocol 4: Planning code of good practice.
Date: 09 October 2019 13:49:03

Dear Sirs,

I have an enquiry, made in full confidence, which I hope that you might be able to resolve for me.

On Tuesday the 9th of July at full council, agenda item 49a, Wiltshire Council debated an amendment to Protocol 4; Planning code of good practice: <https://cms.wiltshire.gov.uk/mgAi.aspx?ID=85824>

The proposed amendments were detailed in [49a \(3\) Appendix 2a protocol 4 schedule of changes: https://cms.wiltshire.gov.uk/documents/s164481/03Appendix2aProtocol4_ScheduleofChanges.pdf](https://cms.wiltshire.gov.uk/documents/s164481/03Appendix2aProtocol4_ScheduleofChanges.pdf)

The amendments were not agreed, and were instead referred back to the standards committee for further scrutiny at the next standards committee meeting of 14th November 2019: Most of the proposed amendments, and the rest of protocol 4 itself, seem to have been adopted from the following government document; [Probity in Planning for Councillors and Officers, Local Government Association, April 2013: https://www.local.gov.uk/sites/default/files/documents/probity-planning-councill-d92](https://www.local.gov.uk/sites/default/files/documents/probity-planning-councill-d92)

However, i note that one particular item from this best practice document has not been adopted in Wiltshire Council's Protocol 4. The omitted item I am referring to is contained in the section entitled 'The General Role and Conduct of councillors and officers' where on page 6, at paragraph 6 it states:

“Officers and serving councillors must not act as agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on it”

I was wondering whether this item was excluded from the protocol 4 in error, or whether it was excluded from the protocol 4 intentionally. If the latter was the case then i would seek some rationale or reasoning from the council for that decision.

For obvious reasons, I believe this item should be adopted, and included within the both the councils planning code, and the members code of conduct.

The reason(s) i raise this particular query is because:

- a) A local councillor is the owner and director of a Planning Consultancy company.
- b) This councillor/company acts as agent for people pursuing local planning matters.
- c) This councillor/company acts as agent for some of the council's planning matters.
- d) This councillor sits on a local council's Development Committee that is involved with making local planning decisions.

This arrangement appears to be contrary to the best practice guidance.

The document '[Probity in Planning for councillors and officers](#)' (LGA 2014) and the existing [Wiltshire Council Protocol 4](#) make it clear that councillors and officers must not do anything that would lead to members of the public thinking or believing that there might be any bias, conflict, influence, or predetermination of views; within the planning application process or planning policy process.

For the avoidance of any doubt, the councillor in question has declared the matter as a pecuniary interest in the register of members of interests, and the member of council does not appear to have taken part in any committee decisions that the planning agency has been involved with.

Nevertheless, the fact remains that the best practice guidance still does make it clear that...***councillors must not act as agents for people pursuing planning matters within their authority...even if they are not involved in the decision making on it”***

Therefore, I am concerned about the existence of such an arrangement with an elected councillor in local council. As a member of the general public it appears quite irregular to me. Such an arrangement directly contradicts the best practice guidance. Quite understandably, I can not comprehend how any councillor putting themself in such a position (councillor, agent, AND decision maker) could appear to be acting

impartially, unbiased, and with neutrality. It does not feel right morally or ethically correct to me.

My personal humble opinion, is that such a clause must be included within both the planning code of practice, and the members code of conduct. This would ensure that all planning matters are open, transparent, and above board; and that councillors are seen to be acting openly, fairly, and impartially, at all times.

I am sure that any sensible member of the public would agree that it is both reasonable and suitable that such a provision is included within the required standards protocols.

I hope that this omitted paragraph will be included in any amendments to the standards protocols.

I look forward to receiving your reply.

Yours sincerely,

