

Improving probity in the local planning process in English local authorities

In July 2019, Transparency International UK (TI-UK) published a research report on corruption risks in local government planning decisions.¹ The research for this report included a standardised assessment of corruption risks across 50 different local authorities in England with a responsibility for housing planning decisions. This assessment looked at how local authorities compared against good practice standards for managing corruption risks in the planning process. These good practice standards are based on

- The 7 principles of public life (the 'Nolan Principles')
- Transparency International research
- The Local Government Association/Planning Advisory Service Guide to Probity in Planning for Councillors and Officers
- The Committee on Standards in Public Life's Report on Local Government Ethical Standards
- Expert peer review

Below we set out a ten point plan for how local authorities across England can strengthen their safeguards against impropriety in the planning process. These should be implemented alongside councils' compliance with their statutory obligations to transparency and whistleblowing protection; for example, the Freedom of Information Act 2000, the Local Government Transparency Code 2015, and the Public Interest Disclosure Act 1998.

¹ Transparency International UK, *Permission accomplished: Assessing corruption risks in local government planning* (July 2019)

Ten point plan for reducing corruption risks in the planning process

Engaging external stakeholders

1. Lobbying transparency

All meetings between councillors and developers/their representatives for major developments will:

- require the attendance of at least one official, and
- be recorded in detailed notes for public inspection.

2. Controls on gifts and hospitality

Councillors will be prohibited from accepting any gifts and hospitality that could give rise to:

- real substantive personal gain; and/or
- a reasonable suspicion of favour or disadvantage being sought.

For example, a councillor on a planning committee is given gifts from a developer that raises suspicions that the developer is attempting to gain his/her favour on a future planning application.

3. Reporting permissible gifts and hospitality

Permissible gifts and hospitality will be those received over a value of £50, or totalling £100 over a year from a single source, that are not subject to the *controls on gifts and hospitality* mentioned above.

Any permissible gifts and hospitality received by councillors, their family members or associates that could reasonably be regarded as received in relation to their role as an elected official will be reportable.

The council will publish its register of gifts and hospitality as structured open data in CSV format, and maintain in it a central location on its website.

Managing private interests

4. Transparency of members' financial interests

The definition of relevant and reportable financial interests will extend to members' family and associates.

The council will publish a register of pecuniary interests as structured open data in CSV format, and maintain it in a central location on its websites.

5. Controls on lobbying and related advisory work

All council members will be prohibited from:

- undertaking lobbying on behalf of paying clients, and/or

- providing paid advice to influence councils.

6. Controls on the revolving door between public and private office

The revolving door (or the issues surrounding the revolving door) will be recognised in the council's policies. It will provide advice and guidance on how to manage the risk.

The council will also prohibit membership of planning committees (or executive positions in housing and planning) to those advising or advocating planning permission two years before taking that position.

7. Standards committee

The council will establish a standards committee. As a minimum, the standards committee will:

- Meet at least quarterly.
- Review and report on the code of conduct at least once every three years.
- Review alleged breaches of the rules and recommend sanctions.
- Seek advice from the Independent Person where appropriate.
- Report annually on their activities.

8. Training

It will be mandatory for planning committee members to attend training sessions on probity and planning in their induction, and they will be recommended to attend ongoing training thereafter.

9. Sanctions

A breach of the planning protocol shall remain a breach of the code of conduct i.e. subject to potential sanction.

As a minimum, the council will include the following sanctions in the code of conduct: censure and suspension from an official position.

The council will maintain a clear policy on how it will apply sanctions in a transparent and consistent manner.

10. Transparency over enforcement action

The council will publish following at least annually:

- Anonymised details about allegations made regarding councillors' alleged misconduct.
- Summary statistics on the number of investigations underway, including their status.
- Full details of substantiated breaches, including the councillor concerned, and any sanction imposed.