



Agenda

Standards Committee

Wednesday 7th February 2024
at 7pm

The Guildhall, St Peter's Place, Canterbury

Membership of the Committee:

Councillor Keji Moses (Chair)
Councillor Alex Ricketts (Vice Chair)
Councillor Elizabeth Carr-Ellis
Councillor Pat Edwards
Councillor Robert Jones
Councillor Harry McKenzie
Councillor Peter Old
Councillor Ian Stockley
Councillor Steven Wheeler

Quorum: 5

NOTES

1. The venue for the meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired.

2. Everyone is welcome to record meetings of the Council and its Committees using whatever non-disruptive methods you think are suitable. If you are intending to do this please mention it to the Democratic Services Officer and do not use flash photograph unless you have previously asked whether you may do so. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office).

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If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

3. The information contained within this agenda is available in other formats, including Braille, large print, audio cassettes and other languages.

Contact: Democracy, 01227 862009, democracy@canterbury.gov.uk

Agenda

1 APOLOGIES FOR ABSENCE

2 SUBSTITUTE COUNCILLORS

3 DECLARATIONS OF INTEREST

TO RECEIVE any declarations for the following in so far as they relate to the business for the meeting:-

- a. Disclosable Pecuniary Interests
- b. Other Significant Interests (what were previously thought of as nonpecuniary Prejudicial interests)
- c. Voluntary Announcements of Other Interests

Voluntary Announcements of Other Interests not required to be disclosed as DPI's or OSI's, ie announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Councillor knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Councillor, relative, close associate, employer, etc but not his/her financial position.

[Note: an effect on the financial position of a Councillor, relative, close associate, employer, etc; OR an application made by a Councillor, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

4 Councillor Interest Governance Review Recommendations

TO CONSIDER the report of The Director of Corporate Services and the Head of Legal Services / Monitoring Officer

5 ANY OTHER URGENT BUSINESS

6 EXCLUSION OF THE PRESS AND PUBLIC

TO RESOLVE - That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

7 ANY OTHER URGENT BUSINESS WHICH FALLS UNDER THE EXEMPT PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 OR THE FREEDOM OF INFORMATION ACT 2000 OR BOTH

Standards Committee

7 February 2024

Subject: Councillor Interest Governance Review Recommendations

Director and Head of Service:

Tricia Marshall - Director Corporate Services

Jan Guylor - Head of Legal Services and Monitoring Officer

Officer:

Jan Guylor - Head of Legal Services and Monitoring Officer

Cabinet Member:

Mike Sole

Key or Non Key decision: Non Key

Decision Issues:

These matters are within the authority of full Council.

Is any of the information exempt from publication:

This report is open to the public.

CCC ward(s): All

Summary and purpose of the report:

To consider proposed solutions to address recommendations made by the Councillor Interest Governance Review.

To Recommend to Governance Committee/ To Note:

- 1) **To note the adoption by Management Team of the new forms/process notes listed below:**

 - a) **Call for Sites Submission Form (attached as Appendix 2) which includes an Authority Employee / Member Declaration to be completed by employees or members putting forward sites to alert Planners of a potential conflict of interest so the Monitoring Officer can be informed;**
 - b) **Call for Sites Authority Employee / Member Declaration - Process Note (attached as Appendix 3) requiring planning colleagues to record on a spreadsheet that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary**
 - c) **Sensitive Interests form (see Appendix 3 of the Councillor Interest Governance Review) for use by the Monitoring Officer to record applications for a sensitive interest in accordance with s32 Localism Act**

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- 2) **To recommend to the Governance Committee a recommendation to full Council that delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:**
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- a) **amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;**
 - b) **make further changes to the constitution that relate to the proposed amendments to the Members' Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to sensitive interests;**
 - c) **amend the Arrangements for dealing with Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor to appropriately disclose a Disclosable Pecuniary Interest.**
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Next stage in process:

The report will be presented to the Governance Committee on 13 February 2024 and then full Council on 22 February 2024 to ensure all the audit recommendations are met and to provide delegated authority to the Monitoring Officer to make the necessary amendments to the Constitution, including the Members' Code of Conduct, procedural rules and the Arrangements for dealing with Councillor Conduct Complaints.

1. Introduction

There has been considerable public interest in a Private Eye article about the inclusion of a site owned by councillors in the draft local plan and allegations that planning permission had been granted for that site, all without appropriate levels of transparency. This prompted CCC to ask the East Kent Audit Partnership (EKAP) to undertake an investigation to review the adequacy and effectiveness of governance arrangements for potential parcels of land owned by officers or members to be considered for inclusion in the Local Plan. EKAP's work did not include an investigation regarding the conduct of Councillors that would normally be carried out by the Monitoring Officer in relation to Members' Code of Conduct complaint.

2. Detail

The EKAP report and covering report from the Audit Committee on 24 January 2024 are attached to this report as Appendix 1. The EKAP report makes three recommendations which are set out below together with an overview of how each will be implemented. The Audit Committee on 24 January 2024 made two further recommendations which are also set out below.

R1- Consideration should be given to adding a declaration (similar to that on a Planning Application) seeking confirmation whether the landowner is an Officer, Member or is related to one, adding a box for agents / developers with the option stating 'Not Known'. With a footnote to read, if this applies, to forward the information to the Monitoring Officer. The Monitoring Officer on receipt of such information may then ensure that any decisions made regarding the site are handled in accordance with the constitution, and also will be prepared to provide advice regarding declaring interests, and briefing colleagues as necessary.

Implementation - Planning Officers have updated their Call for Sites Submission Form to include a Declaration by Employees or Members where they are putting forward sites to flag for the planners a potential conflict of interest. Planning Officers have also updated their Process Note to require them to record that any Authority Employee / Member declaration has been appropriately reviewed and that the Monitoring Officer has been contacted where necessary. The Form is attached as Appendix 2 and the Process Note as Appendix 3.

The form is used at the information gathering stage of the Strategic Land Availability Assessment (SLAA) process which is prescribed in national planning policy and guidance. No amendments to the constitution are required.

R2 - Consideration to adopt (in the next updated version) the wording of the Model Code to include the requirement to declare "a) any unpaid directorships".

Alternatively to be discussed at Kent Secretaries regarding some additional wording added after the definition of Other Significant Interests (OSI's) in the Members' Code to provide some examples of OSIs which could include highlighting that members need to be alive to any directorship, even if they do not receive financial gain.

Implementation - CCC have adopted the Kent Members' Code of Conduct which has been approved by the Kent Secretaries Group, a forum for Heads of Legal and Monitoring Officers and provides safety in numbers in terms of working through any periodic recommended updates to the Code. The Monitoring Officer has consulted with the Kent Secretaries working group regarding the proposed recommendation and the group agreed that the recommendation should be adopted so that all members are required by the Members' Code of Conduct to register any unpaid directorships as Other Registrable Interests. All Monitoring Officers in the working group had been involved in cases where members had found the Regulations confusing in terms of when a directorship amounted to a Disclosable Pecuniary Interest and when it didn't. The blanket requirement to register unpaid directorships as Other Registrable Interests as well as directorships that amount to DPI's would provide further protection to members.

It is therefore proposed that delegated authority be given to the Monitoring Officer to make the necessary amendments to CCC's Members' Code of Conduct to incorporate this requirement. The Members' Code of Conduct forms part of the Council's Constitution so will require the approval of the Standards Committee, Governance Committee and full Council to make the proposed changes.

Changes will need to be made to the following sections of the Members' Code of Conduct to add in the requirement for members to register any unpaid directorships:

- Paragraph 1.7
- New paragraph 1.10
- Paragraph 1.12
- Paragraph 4
- Paragraph 5
- Paragraph 6.1
- Paragraph 7.2

Further amendments to the Constitution are required in the Procedure Rules in terms of when a Member can speak on an agenda item, or not, when they have a Disclosable Pecuniary Interest (DPI), Other Significant Interest (OSI) and reference to Other Registrable interests will need to be added to this section. The Monitoring Officer will undertake a careful check of the Constitution as a whole to identify whether any other sections need to be updated to reflect this change and action the changes accordingly.

R3 - Consideration given to adopting a 'control sheet' to record all s32 requests received, the evidence reviewed and the outcome of the decision (whether granted or denied) to be retained by the Monitoring Officer.

Implementation - It is proposed that the draft form proposed at Appendix 3 of the Councillor Interest Governance Review report be adopted with the addition of a summary of the provisions of S32 of the Localism Act 2011 provided on the second page of the form as a reminder of the legal test and the table setting out the evidence has been made larger to allow information to be added. This form will be completed by the Monitoring Officer and record the Member's reasons for seeking a s32 Sensitive interest, evidence to support the request and the MO's decision. It will then be stored in the Legal Services case management system. The Constitution will be checked to identify any necessary amendments to reflect this change and changes made by the MO under this delegation.

R4 - Proposed by the Audit Committee - The Arrangements for dealing with Councillor Conduct Complaints, which form part of the Constitution, be amended so that if officers are aware of any possible offences they report it to the police. The Arrangements currently provide that while assessing a councillor conduct complaint it transpires that there is a potential criminal offence in relation to a Councillor's failure to disclose a DPI then the Monitoring Officer should advise the complainant to refer the matter to the police.

Implementation - It is proposed that paragraph 4.4 of Annex 1 of the Arrangements be amended to read as follows: "If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Councillor or any other person, the Monitoring Officer shall report the complaint to the police or other prosecuting or regulatory authority....."

R5 - Proposed by the Audit Committee - A recommendation to Cabinet that an external investigation is carried out.

Cabinet will consider this recommendation and if any issues arise for the Standards Committee and Governance Committee the matter will come to a future committee.

3. Relevant Council policy, strategies or budgetary documents

Where relevant, these have been referred to within this report.

4. Consultation planned or undertaken

The issues raised in this report do not require a consultation.

5. Options available with reasons for suitability

Option 1 - To Recommend to Governance Committee/ To Note:

1) To note the adoption by Management Team of the new forms/process notes listed below:

- a) Call for Sites Submission Form (attached as Appendix 2) which includes an Authority Employee / Member Declaration to be completed by employees or members putting forward sites to alert Planners of a potential conflict of interest so the Monitoring Officer can be informed;
- b) Call for Sites Authority Employee / Member Declaration - Process Note (attached as Appendix 3) requiring planning colleagues to record on a spreadsheet that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary
- c) Sensitive Interests form (see Appendix 3 of the Councillor Interest Governance Review) for use by the Monitoring Officer to record applications for a sensitive interest in accordance with s32 Localism Act 2011

2) To recommend to the Governance Committee a recommendation to full Council that delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:

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- a) amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;
 - b) make further changes to the constitution that relate to the proposed amendments to the Members' Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to sensitive interests;
 - c) amend the Arrangements for dealing with

Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor to appropriately disclose a Disclosable Pecuniary Interest.

Option 2 - To amend the recommendations.

Option 3 - To reject the recommendations.

6. Reasons for supporting option recommended, with risk assessment

Option 1 is recommended as it provides a resolution for all 3 recommendations of the EKAP audit and one of the two recommendations made by the Audit Committee. The forms are user friendly and provide more clarity and the suggested amendments to the Members' Code of Conduct and other sections of the Constitution will provide greater protection for members as the legislation on directorships as DPs is confusing.

Options 2 and 3 run the risk of not meeting the recommendations from the EKAP report.

7. Implications

(a) Financial

None identified.

(b) Legal

None identified.

(c) Equalities

None identified.

(d) Environmental including carbon emissions and biodiversity

None identified.

Other implications

Not applicable.

Contact Officer: Jan Guyler, Head of Legal Services & Monitoring Officer

Background documents and appendices

Appendix 1 - Audit Committee papers (Councillor Interest Governance Review and covering report)

Appendix 2 - New form to be used by Planning Officers when preparing a local plan

Appendix 3 - New Process Note to be used by Planning officers

Appendix 4 - Climate Change Impact Assessment

Additional document(s) containing information exempt from publication:

No

Appendix 1:

Governance Review - Local Plan Interests

1.0 Information

Summary of Investigation:	To review the adequacy and effectiveness of governance arrangements for potential parcels of land owned by officers or members to be considered for inclusion in the Local Plan. EKAP's work will not include any investigation that would normally be carried out by the Monitoring Officer as a Code of Conduct complaint.
Commissioning Manager:	Head of Paid Service
Date Investigation Commenced:	19.09.23
Date Investigation Concluded:	23.11.23

2.0 Schedule of Meetings Held

Capacity (employee, witness, manager)	Date of meeting	Scope of Meeting
Manager	20.09.23	Outline the processes involved in compiling the Draft Local Plan
Manager	22.09.23	Outline Constitution and Decision Making processes
Manager	22.09.23	Explain s.32 Localism Act processes and the three decisions made
Manager	09.10.23	Outline the changes to the New Local Plan and new Member Working Party arrangements
Manager	24.10.23	Local Plan process and political decisions made
Witness	27.10.23	To receive evidence of allegations of wrongdoing and how that impacts the scope of this review
Manager	01.11.23	Interim update meeting, to cover several outstanding questions

3.0 Findings

There has been considerable public interest in a Private Eye article about the inclusion of a site owned by councillors in the draft Local Plan and allegations that planning permission had been granted for that site, all without appropriate levels of transparency. As a result, EKAP is being asked to:

3.1 Review the processes surrounding the inclusion of the Milton Manor site into the draft Local Plan and whether they complied with the Council's constitution and any other relevant Council procedures or guidance in place at the time;

Meetings were held with relevant staff to gain an understanding of the overall process and the adopted procedures. The relevant requirements for local authorities is set out in [Section 3](#) of the [National Planning Policy Framework](#) (NPPF) which requires that each local planning authority should prepare a Local Plan for its area.

The Council's Constitution provides the framework for the rules for all decision making and delegations. In relation to the Local Plan process the stages for decision making were all in accordance with Council procedure. The key decision making points are listed on the Timeline at Appendix 1.

The call for sites is not limited to a certain stage in preparing a plan as nominations for land to be evaluated and considered may be received at any time. However an early step in the formal process is the advertisement to the 'world at large' for the call for sites. The digital form used by the Council for submissions to be made does not require a declaration to be made regarding whether the landowner of the submitted site is either an officer or member of the Council, or is related to one. This fact was benchmarked with other East Kent councils resulting with none of the councils requiring such a declaration at this stage. It was determined, this is not a requirement at a scoping stage or screening opinion or pre-planning advice stage either. In fact, of course any of these submissions may be made by an agent or developer at any time without the landowner yet 'being on board' or even aware.

In this specific case, the agent wrote (an email 15.07.20) separately to the planning team advising them of the ownership details of the land, with the clear intention to declare the ownership, stating: *"Whilst the form did not enquire as to the nature of the landowners and whether they have a connection to the Council, both Councillors are keen to ensure that their land ownership is known by officers to ensure disclosure"*. There was however a missed opportunity, as the information was not passed to the Monitoring Officer at that time.

Recommendation 1

Consideration should be given to adding a declaration (similar to that on a Planning Application) seeking confirmation whether the landowner is an Officer, Member or is related to one, adding a box for agents / developers with the option stating 'Not Known'. With a footnote to read, if this applies, to forward the information to the Monitoring Officer. The Monitoring Officer on receipt of such information may then ensure that any decisions made regarding the site are handled in accordance with the Constitution, and also will be prepared to provide advice regarding declaring interests, and briefing colleagues as necessary.

3.2 Comment on whether improvements could practically be made to the Constitution or any other relevant Council procedures or guidance in order to improve transparency and public confidence in decision making on the Local Plan and sites allocated within it for development that are owned by councillors or officers;

There is National Guidance for Councillors in respect of interests and the expectation of complying with the Seven Principles of Public Life, this includes a paragraph which reads;

“What are pecuniary interests?”

A person’s pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property)”.

This National Guidance also provides a link to a Model Code of Conduct for Members, and informs the reader that *“Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members’ interests”.*

The Council’s Code sets out clearly what is to be declared in the register of interests, and this is shown at Appendix 2. The only relevant difference identified as part of this review, between CCC’s current Members’ Code of Conduct, and the Model Code is at appendix B Table 2: Other Registerable Interests, where the Model Code states;

“You must register as an Other Registerable Interest : a) any unpaid directorships”

The remainder of the table is the same in both (see Appendix 2).

The Council’s Members’ Code of Conduct is a collaborative code discussed, and agreed via the Kent Secretaries network then adopted by each of the local authorities. The Monitoring Officer has confirmed that *“once the LGA Model Code was published the Kent Secretaries group set up an officer’s working group to consider the Model Code and propose an amended Kent Code accordingly. A lot of the Model code was added to the Kent Code, the bits that were not incorporated were ones that exceeded what legislation requires”.*

The circumstances of this case include an allegation that a company directorship was incorrectly omitted from the Register of Interests. However, a review of Companies House records confirmed that the specific circumstances were such that it did not need to be declared as the company did not operate *“for profit or gain”* - it did not trade nor hold any assets per the public record. After looking more closely at the provision under Part 8 however, it would appear that part b) (ii) does apply to this case as the shares held exceed 1/100th of the total issued share capital in CCH Milton Manor Park Ltd. Meaning that this should have been declared under 8 Part G. Whether this is a breach of the Localism Act 2011 or not, is outside the scope of this review .

If the Council were to adopt part a) above from the Model Code, into its own Members’ Code this would prevent any ‘uncertainty’ in future, as in future all positions of office would need to be declared.

Recommendation 2

Consideration to adopt (in the next updated version) the wording of the Model Code to include the requirement to declare “a) any unpaid directorships”.

Alternatively to be discussed at Kent Secretaries regarding some additional wording added after the definition of Other Significant Interests (OSI’s) in the Members’ Code to provide some examples of OSI’s which could include highlighting that members need to be alive to any directorship, even if they don’t receive financial gain.

3.3 Similarly, review the processes around any planning applications and screening/scoping opinion requests relating to this site;

The timeline at Appendix 1 records interactions with the Council by the agents acting for the landowners in respect of screening, scoping, pre planning advice, planning interactions; also summarised as follows:-

- 14.12.22 Screening report
- 02.03.23 Pre planning advice
- 26.05.23 EIA scoping report
- 20.09.23 Outline Planning Application

None of the first three stages require a declaration regarding whether the application is on behalf of a member or officer of the Council (or a close associate of one), by the time the Planning Application was submitted (September 2023), (which does require such a declaration) the landowners were no longer serving councillors and thus did not apply.

No recommendation for improvement needed, but cross reference this to the spirit of Recommendation 1.

3.4 Comment on whether improvements could practically be made to the constitution and any other relevant Council procedures or guidance in order to improve transparency and public confidence in consideration of planning applications/opinion requests by councillors or officers;

The Constitution clearly sets out at Appendix E - its Planning Code of Practice. Paragraph 6 of which covers “development proposals submitted by councillors, officers and Council development”. There are no enhancements required at this time, the protocol and standing order is very clear.

<https://democracy.canterbury.gov.uk/documents/s117324/Appendix%20E%20-%20Planning%20Local%20Code%20of%20Good%20Practice.pdf>

No recommendation for improvement needed, but cross reference this to the spirit of Recommendation 1.

3.5 Comment on the submitted evidence supporting a request for anonymity under s32 of the Localism Act and seek assurance that the decision to grant anonymity was proportionate, consistent and justified on all three occasions. - to include a review of the MO’s previous decisions in 2015 and 2019 (- while maintaining confidentiality over the details).

The Monitoring Officer (MO) explained that the decision to permit anonymity under s.32 of the Localism Act had been taken three times, as follows;

- 2015 - Monitoring Officer Sarah B
- 2019 - Monitoring Officer Stephen B
- 2023 - Monitoring Officer JG

There was no documented file retained covering the evidence considered in 2015 or 2019 to agree to the request under s.32. Such a request remains in place until circumstances change and the Councillor updates that it may be removed, or is removed when the Councillor is no longer in office. It does not automatically expire or require annual review. The 2023 assessment was made on 07/02/2023 and was considered and granted by the Monitoring Officer the same day. The published interests therefore indicated that five properties had been disclosed to the MO, and that these were to remain undisclosed under s32. It is not for this review to challenge the decision of the Monitoring Officer, the 2023 decision is recorded and the outcome was shared with the senior governance colleagues via email.

The local news covered an article 21.09.23, claiming to be quoting the individual concerned, and the article expresses some detail regarding the personal safety of the individual.

<https://www.kentonline.co.uk/canterbury/news/nightclub-owner-s-manor-house-could-become-100-home-estate-293784/>

*“I am nervous about people knowing where I live because of what I do for a living”. “People know when we’re at work - our cars are parked outside the venue. They know when the house hasn’t got us in it. Our kids are here with a babysitter, and it scares the s*** out of me, to the point where sometimes I’ll be at work and I have to come home.” Mrs Jones-Roberts says over the years she has been the subject of intimidation and even “murder threats” while at work. “There are nasty, violent people about,” she said.”*

Recommendation 3

Consideration given to adopting a ‘control sheet’ to record all s.32 requests received, the evidence reviewed and the outcome of the decision (whether granted or denied) to be retained by the Monitoring Officer (draft proposed at Appendix 3).

4.0 Conclusion leading to Recommendations

- 4.1 Agreed processes for including the site into the Draft Local Plan were followed, an opportunity to enhance public confidence in compiling the Local Plan was identified in **Recommendation 1**.
- 4.2 The majority of required declarations of interest were made, but a directorship in a non trading company with shares of £25 value was not declared. To remove any uncertainty, consideration could be given to adopting the wording of the Model Code into the next version of the Council's Members' Code of Conduct to include as Other Registerable Interests "*any company with which they are associated including any unpaid directorships*", as set out in **Recommendation 2**.
- 4.3 Agreed processes for planning applications and screening/scoping opinion requests relating to this site were followed, an opportunity to enhance public confidence was identified in **Recommendation 1**.
- 4.4 Potential improvements to the Constitution or any other relevant Council procedures or guidance in order to improve transparency and public confidence in consideration of planning applications/opinion requests by councillors or officers were not identified; but as in 4.1 and 4.3 above one opportunity to ensure these circumstances are not ever repeated is set out in **Recommendation 1**.
- 4.5 The use of s.32 of the Localism Act was considered by three different Monitoring Officers, the records for which may be standardised and retained through the use of a control sheet as suggested in **Recommendation 3**.

5.0 Summary of Appendices Attached

Appendix 1 - Timeline

Appendix 2 - Required Declarations from CCC Members' Code of Conduct

Appendix 3 - Suggested Control Sheet for Recording s.32 Requests and their outcome

Appendix 4 - Action Plan of Recommendations

Timeline

27.05.21 = Committee Process

Date	Relevant Event / Action	Outcome
08.05.19	New Member declarations to MO following Elections	5 private addresses correctly declared. Withheld from the public register under s.32. Directorships in several companies included but CCH MMP Ltd. was not declared. 25% shareholder after resignation until it was dissolved 14.09.21
30.06.20	Call for Sites submission submitted electronically to the Council Call For Sites 30.06.20 APZNZA~1.PDF	Iceni Projects agents submitted the form which covers more than this one site.
15.07.20	Email from Agents to Planning re Call For Sites alerting to MM being in the name of CCH Build Solutions Ltd. being owned by the Cllrs.	Received by the Planners undertaking the scoring for the land submitted as part of the call for sites assessment process. (ST advised the Planners to advise the Cllrs to update the MO- it was not passed on to the MO by officers).
27.05.21	Policy Committee received the report: <i>Canterbury District Local Plan to 2040 - options consultation</i> - see minute 13 "The consultation did not include specific sites. However, at the next stage, when the draft Local Plan was published, a draft selection of sites would be included for public consultation." https://democracy.canterbury.gov.uk/documents/g12630/Printed%20minutes%2027th-May-2021%2019.00%20Policy%20Committee%20-%20Decommissioned%2019522.pdf?T=1	Cllr LJ-R was in attendance declared a financial interest in one of the sites submitted in the call for sites in the Local Plan to 2040, and abstained from voting; as recorded in the minutes.
19.10.22	Cabinet received the report: <i>Draft Local Plan - seeking approval to consult</i> https://democracy.canterbury.gov.uk/do	It was resolved to approve to enter into consultation under regulation 18.

	cuments/s119631/Minutes.pdf	Cllr L J-R was not in attendance.
14.12.22	Overview & Scrutiny received the report: <i>Consultation on the draft Canterbury District Local Plan To 2045 and associated strategies and plans</i> https://democracy.canterbury.gov.uk/ielistDocuments.aspx?CId=756&MId=13306&Ver=4	Opportunity for members of the Overview and Scrutiny Committee to gain a greater understanding of the key strategies within the draft Canterbury District Local Plan comments would be fed into the consultation process which closed 16 January 23. Cllr L J-R was not in attendance.
14.12.22	EIA Screening Report https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?keyVal=RN4TDPEA05C00&activeTab=summary	Decided - Development could have significant effects on the environment, thus an EIA is required.
05.01.23	Council Agenda Item 14: <i>To receive the following minutes of the meetings specified and to receive questions and answers on any of the minutes</i> https://democracy.canterbury.gov.uk/ielistDocuments.aspx?CId=138&MId=13110&Ver=4	Received by general assent the minutes of Cabinet 19.10.22 (which resolved to go out to consultation on the Draft Local Plan). Cllr L J-R was in attendance. As there was no debate or vote, there was no requirement to declare any interest in the Cabinet minutes.
07.02.23	The Monitoring Officer reconsidered and decided on a request under s.32 of the Localism Act.	The home address of both Cllrs L J-R and M J-R was not published on the register of interests.
02.03.23	Pre- Planning Advice was issued, the standard fee of £5,304 was paid.	Written Planning Advice issued regarding the site.
26.05.23	EIA Scoping Report https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?keyVal=RV9W8UEA01U00&activeTab=summary	Decided - No Objection
20.09.23	Outline Planning Application ref; CA/23/01766 received by the Council https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?keyVal=S19Y7MEA04Q00&activeTab=summary	Validated and commenced processing. The applicants are no longer Councillors.

Appendix 2

Extract from the Constitution - Members' Code of Conduct

DISCLOSABLE PECUNIARY INTERESTS, AS PRESCRIBED BY REGULATIONS, ARE AS FOLLOWS:

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a councillor, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge): a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.

Securities	<p>Any beneficial interest in securities of a body where:</p> <p>a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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The National Model Code goes further and also includes;

Table 2: Other Registrable Interests

<p>You must register as an Other Registrable Interest :</p> <p>a) any unpaid directorships</p> <p>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</p> <p>c) any body</p> <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

DRAFT s.32 Control Sheet

Date Request Received:

Submitted By:

Date Decision Made and Issued:

Decision Made By:

Test	Consideration / Evidence	Outcome
Necessity/ Justification	list any evidence submitted / link to emails etc.	Met / Not Met
Proportionality		Met / Not Met
Searches Made	Internet searches / electoral role other sources checked to test what is already easily available to the 'world at large'.	Met / Not Met

The request for s.32 is **Granted** /or **Denied** (delete as appropriate)

Signed:

Dated:

SUMMARY OF RECOMMENDATIONS AND ACTION PLAN

Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
High	A lack of shared / or siloed knowledge. may impair governance over Member's interests and the implications.	1. Consideration should be given to adding a declaration (similar to that on a Planning Application) seeking confirmation whether the landowner is an Officer, Member or is related to one, adding a box for agents / developers with the option stating 'Not Known'. With a footnote to read, if this applies, to forward the information to the Monitoring Officer. The Monitoring Officer on receipt of such information may then ensure that any decisions made regarding the site are handled in accordance with the Constitution, and also will be prepared to provide advice regarding declaring interests, and briefing colleagues as necessary.	Agreed	May 2024 Monitoring Officer
High	Councillors may overlook DPis in error.	2. Consideration to agree to adopt (in the next version) the wording of the Model Code to include the requirement to declare "a) any unpaid directorships". Alternatively, to be discussed at Kent Secretaries, regarding some additional wording added after the definition of Other Significant Interests (OSI's) in the Members' Code to provide some examples of OSI's which could include highlighting that members need to be alive to any directorship, even if they don't receive financial gain.	Agreed	May 2024 Monitoring Officer
Medium	Lack of management trail leading to ineffective handover/ evidence.	3. Consideration given to adopting a 'control sheet' to record all s.32 requests received, the evidence reviewed and the outcome of the decision (whether granted or denied) to be retained by the Monitoring Officer (draft proposed at Appendix 3).	Agreed	May 2024 Monitoring Officer



Canterbury District Call for Sites Submission Form

You will need to provide:

- Details about who you are;
- A location plan;
- Information about the availability and ownership of the site; and
- Information about what you think it could be developed for

About you

The contact details provided will be used as the main contact for the site submission.

If you are completing this form on behalf of a client or an organisation, you will also be required to provide their details later in the form.

All questions with an asterix () are required fields.*

First name*

.....

Last name*

.....

Email*

Please enter a valid email address

.....

Phone number

.....

Address line 1*

.....

.....
Town*

.....
Postcode*

.....
In what capacity are you completing this form?*

Personal/An individual

On behalf of a client

An organisation

Client address

If applicable please provide us with the address of the organisation that is submitting a site.

Client/Organisation name*

.....
Address line 1*

.....
Town*

.....
Postcode*

Authority Employee / Member Declaration

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or client and/or landowner?
With respect to the authority, I am: (a) a member of staff (b) an elected member (c) related to a member of staff (d) related to an elected member

YES / NO

If Yes, please provide details of their name, role and how you are related to them.

.....

About the site

Site details

Site name*

.....

Site address*

.....

Site postcode

.....

Please attach a site location plan to the end of the form*

Site area (Hectares)

.....

Please choose the option that best describes the site from the options below*

Previously developed land

Not previously developed land

Mixed

Don't know

What is the current land use?*

If vacant, what was the last known use?

.....

Site ownership

What is your interest in the site?*

Landowner

Parish Council

Agent

Developer

Housing Association

Other

If Other please specify

Are you, or your client, Sole or Part owner of the site?*

Sole owner

Part owner

Not land owner

Other

Is the site being marketed?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Are there any legal restrictions such as covenants or ransom areas?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Planning History

Has the site previously been submitted to the council in a previous Call for Sites?*

Yes

No

Please specify the relevant Site Reference number if known*

.....

Are there any previous planning consents or applications? Please provide details of any previous planning consents or refusals*

.....

.....
Are there any trees on your site subject to a Tree Preservation Order?*

Yes

No

If Yes please provide details

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.....
.....
.....
.....

Is vehicular access to the site possible?*

Yes

No

If Yes please provide details

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.....
.....
.....
.....

Does the site front a road or highway?*

Yes

No

If Yes please provide details

.....
.....
.....
.....
.....

Is the site in close proximity to a footpath or cyclepath?*

Yes

No

If Yes please provide details

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.....

.....

Is the site directly accessible by foot or bicycle?*

Yes No

If Yes please provide details

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Is the site accessible by public transport?*

Yes No

If Yes please provide details

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Is mains water available to the site?*

Yes No Don't know

Is mains wastewater available to the site?*

Yes No Don't know

Is mains electricity available to the site?*

Yes

No

Don't know

Is mains gas available to the site?*

Yes

No

Don't know

Is broadband internet available to the site?*

Yes

No

Don't know

Is mobile network available to the site?*

Yes

No

Don't know

If Yes please provide details

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Is the site affected by or in close proximity to uses which may impact how the site might be developed, such as power lines, pylons, railway lines, major highways or industrial and other noisy uses?*

Yes

No

If Yes please provide details

.....

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.....

Please tell us anything else about the location of the site and the physical features?
E.g. topography, severe slope, vegetation cover etc.

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.....

Your proposal

The following questions are an opportunity for you to tell us what you think the site is suitable for.

Please give details of the proposal*
Please provide a high-level description of your proposal

.....

.....

.....

.....

.....

What is your proposed use?*

You can select more than one choice

- | | |
|--------------------------------|--|
| Housing | Affordable Housing |
| Student Accommodation | Older Persons Housing (C2 and wider) |
| Employment | Research and Development/sciences |
| Offices | Light Industrial |
| Storage and Distribution | General Industry |
| Retail | Sports and Leisure (incl Hotels) |
| Gypsy/Traveller Pitch | Community and Cultural facilities (incl Education) |
| Wildlife/Biodiversity Habitats | Other |

If other please provide details

.....

If applicable, what is the estimated capacity of floorspace (sqm)?

.....

If applicable, what is the estimated number of dwellings?

.....

What type of dwellings are proposed?

You can select more than one option

Housing (including bungalows)

Flats/apartments

Student bed spaces/studios

Affordable Housing

If the site is 11 dwellings or over can the site provide 30% affordable housing?*

Yes

No

Not applicable

What tenure are you proposing?*

You can select more than one option

Social rent

Affordable rent

Shared ownership

Other intermediate product

Don't know

Deliverability

What are the timescales for the delivery of your proposal?*

0 - 5 years

6 -10 years

11 years+

Please explain why you think the site can be developed within the selected timescale*

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Supporting evidence

Which of the following choices apply to your proposal*

We have set out the supporting evidence required depending on the size of the site in our technical guidance. We recommend you follow this guidance.

LESS than 10 dwellings

MORE than 11 dwellings

MORE than 100 dwellings

Over 0.25 hectares non-residential use

Not yet defined

If you are submitting any a Landscape and Visual Impact Assessment please attached this to the end of the form.

If you are submitting any a Transport Assessment or Transport Statement please attached this to the end of the form.

Have discussions with Highways England or KCC Highways taken place?*

Yes

No

If Yes please provide details

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Have any discussions taken place with the Environment Agency?*

Yes

No

If Yes please provide details

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If you are submitting any a Flood Risk Assessment please attached this to the end of the form.

Have discussions taken place with any utilities providers?*

Yes

No

If Yes please provide details

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Viability

Are you submitting evidence to support the deliverability of the site?*

If the site is not previously developed land, can you confirm that the benchmark land value of the site does not exceed £150,000 per gross acre?*

Yes

No

Don't know

Please note - As part of the local plan review, we will expect development proposals to clearly identify how they can achieve land values in line with the local plan review viability work. Benchmark land values for previously developed land will be considered as part of this process.

Are there any known significant abnormal development costs?*

Yes

No

If Yes please provide details

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Does the site require significant new infrastructure investment to be developed?*

Yes

No

If Yes please provide details

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Are there any issues that may influence the economic viability, delivery rates or the timing of the development?*

Yes

No

If Yes please provide details

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Have any design or master planning work been undertaken?*

Yes

No

If Yes please provide details

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Additional information

Is there anything else you would like to tell us?

.....

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If you would like to submit any additional information please attached this to the end of the form.

By submitting this form you agree to our privacy notice which can be found on the website.

We will publish the results of the Call for Sites in due course.

Call for Sites Authority Employee / Member Declaration - Process Note

- The Call for Sites questionnaire is saved on an internal system, and can be accessed by the Policy Team.
- The team periodically checks for new survey submissions. Once a new submission has been received, the data is downloaded in .xlsx format. An officer then undertakes an assessment of the site, reviewing all the information submitted.
- All assessments are reviewed by a Principal Policy Officer. A tick box and date column have been added to the Call for Sites assessment spreadsheet to record that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary.

Appendix 4: Climate Change Impact Assessment (Checklist)

Please provide an assessment of the impact of the proposal under each of the headings below. If none, please say so.

1. Climate Change impacts

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact If you have any relevant data, please include that in the explanation and reference the source. Neutral - N/A	Mitigation N/A
Impact on the council's target of being carbon neutral by 2030 This applies to emissions of carbon dioxide as a direct result of our own activities and services. Please consider the whole life impact of your proposals		
Neutral		
Impact on carbon emissions in the Canterbury district This applies to the carbon dioxide emissions in the district as a result of your proposal. Please consider the whole life impact of your proposals.		
Neutral		
Emission of other climate changing gases including methane, CFCs, nitrous oxide		
Neutral		

2. Adaptation to climate change - Impact on our resilience to the effects of climate change

The greatest risks posed by climate change to the UK are:

- Flooding and coastal changes including erosion from extreme events
- Risks to health caused by high temperatures
- Water shortages and drought
- Risk to natural environments & services - landscape, wildlife, pollinators, timber etc
- Risk to food production & trade

- Emergence of new pests and diseases affecting people, plants & animals

What impact do your proposals have on our ability to resist or tackle these problems in the future?

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact	Mitigation
Neutral	No impact	N/A

3. Further assessment work

Is a further more detailed assessment required at a later stage of this proposal?- No

If yes, please give a brief description