

MINUTES OF A MEETING OF THE CONSTITUTION COMMITTEE TUESDAY 28 OCTOBER 2025

Councillors Present: Deputy Mayor Anntoinette Bramble, Chair
Cllr Margaret Gordon, Vice-Chair
Cllr Alastair Binnie-Lubbock
Cllr Ian Rathbone
Cllr Ian Sharer
Cllr Lynne Troughton

Apologies: Cllr Claudia Turbet-Delof

Also in Attendance virtually: None

Other Councillors Present: Cllr Jessica Webb

Officers in attendance: Louise Humphreys, Director of Legal and Governance; Natalie Broughton, Assistant Director, Planning and Building Control; Tessa Mitchell, Governance Team Leader; Natalie Kokayi, Governance Officer.

1 Appointment of the Chair and Vice-Chair of the Constitution Committee for the Municipal Year 2025-2026

1.1 The Governance Officer opened the meeting and noted the appointment of the Chair and Vice-Chair for the 2025-2026 municipal year.

Deputy Mayor Anntoinette Bramble, Chair of the committee, welcomed Members of the committee to the meeting and thanked Councillors and officers for their ongoing support. The Deputy Mayor welcomed Cllr Webb who was present, as Chair of Planning Sub-Committee, for agenda item 7.

2 Terms of Reference of the Constitution Committee

2.1 Deputy Mayor Bramble noted the Terms of Reference for the Constitution Committee as set out in the agenda.

RESOLVED:

The Terms of Reference for the Constitution Committee were noted.

3 Apologies for Absence

3.1 Apologies were received from Cllr Turbet-Delof. Apologies for lateness were received from Cllr Rathbone and Cllr Troughton.

4 Declarations Of Interest

4.1 There were no declarations of interest.

5 Questions to the Committee

5.1 There were no questions to the committee.

6 Consideration of the Minutes of the Previous Meeting

6.1 Councillors considered the previous minutes of the meeting held on 8 April 2025. In response to a question from Cllr Binnie-Lubbock regarding the vote on changes to the Constitution at agenda item 5, the Director of Legal and Governance Services noted that where there were equal votes for and against a proposition the Chair had the casting vote. It was noted that the Chair voted in the initial vote in order to exercise a subsequent casting vote.

6.2 Matters arising were noted as follows:

Agenda item 7: Compliance on Member Use of ICT

ACTION: There was an action for confirmation of how the data breach was reported.

RESPONSE: The Director of ICT confirmed that the incident was self-reported by the Councillor who had sent the email to the incorrect recipient.

RESOLVED:

That the minutes of the Constitution Committee held on 8 April 2025 be approved as an accurate record of proceedings.

7. Planning Code of Conduct

7.1 Deputy Mayor Bramble noted this agenda item had been discussed with Deputy Mayor Nicholson, Cabinet Member for Housing Management and Regeneration.

7.2 The report was introduced by Natalie Broughton (NB), Assistant Director, Planning and Building Control. NB highlighted the aim of the Planning Code of Conduct was to ensure that planning decisions were made openly, impartially, with sound judgement and for justifiable reasons.

7.3 It was noted the new code applied to all Councillors involved in the planning process which included as part of decision-making meetings of the Council, as part of the planning authority function, or when involved in less formal occasions such as meetings with officers or the public. The Code of Conduct updated the existing Planning Code of Practice.

7.4 NB noted the collaborative working across council service areas in the development of the code and acknowledged colleagues in Planning, Governance, and Legal Services. NB noted engagement had been undertaken with Members of Planning Sub-Committee and through a drop-in session for all

Councillors. NB thanked the Chair of the Planning Sub-Committee and Councillors for their feedback.

7.5 The key objectives of the Planning Code of Conduct were outlined as follows:

- to provide clarity and advice to all elected Councillors.
- to ensure that Councillors of the Planning Sub-Committee and all elected Councillors acted reasonably and openly so that decisions were made impartially with sound and justifiable reasons.
- to ensure that Council interests and individual Councillors were protected from allegations of unfairness, maladministration or legal challenge.

7.6 The Assistant Director of Planning and Building Control highlighted the long standing good practice programme of training for Members of the Planning Sub-Committee.

7.7 The Code clarified that lobbying was recognised as part of the normal and proper political process. There was guidance for Councillors within the code to ensure the integrity and impartiality of the Council was not brought into question. In addition, there was guidance throughout the code about how Councillors engaged with residents on planning matters.

7.8 It was noted that there was new content in the code which related to the planning process including site visits, public speaking, and voting. This reflected best practice.

7.9 In response to a question from Deputy Mayor Bramble regarding planning training for all Councillors the Director of Legal and Governance Services, Louise Humphries (LH), noted the training and induction programme was currently being reviewed ahead of the start of 2026-2027 municipal year. Consideration of the opportunity for training all Councillors on general planning principles was to be taken forward by officers.

ACTION 1: The Director of Legal and Governance Services to coordinate with colleagues from Planning and Member Services to consider the opportunities for introductory planning training for all Councillors.

Cllr Rathbone and Cllr Troughton arrived at 17:42 and 17:44 respectively.

7.10 In response to an inquiry from Cllr Binnie-Lubbock the Director of Legal and Governance Services noted there was no breach of law if the Constitution Committee did not recommend to Corporate Committee that the Planning Code of Practice be replaced by the Planning Code of Conduct, however, there was increased risk of judicial challenge.

7.11 It was noted that Councils were strongly recommended to have a Planning Code as part of its regulated decision-making process. There was potential for financial and reputational damage to the local authority if decisions made were incorrect. The Planning Code was designed to minimise the potential for judicial review. It was noted that Planning Codes were recommended to be reviewed to build on best practice and guidance issued by professional bodies.

7.12 In relation to lobbying LH noted the courts had indicated that lobbying was part of

the normal planning process. The Code set out guidance to undertake lobbying whilst ensuring individual Councillors and the Council remained protected from the risk of challenge. Cllr Webb, as Chair of the Planning Sub-Committee, noted that any lobbying information received by Councillors was to be shared with Governance. Councillors decided as a matter of individual choice whether to read information received. NB noted the importance of Councillors retaining an open mind on all applications.

- 7.13 The Vice-Chair, Cllr Gordon, welcomed the new Planning Code of Conduct and suggested that consideration be given to ensure the code was accessible on the Council website. It was suggested that a glossary of planning terms and a video which explained how the Planning Sub-Committee operated as a decision-making body of the Council, was given consideration.
- 7.14 In response to the inquiry from the Vice-Chair about the threshold for delegation of any future-proofing of the Code it was noted (at 27.2 in the Code) that where there was legislative change that required a change in the Council Constitution the Director of Legal and Governance Services had the powers to make the change and then notify Councillors. The report scheduled to be presented at the Corporate Committee on 12 November 2025 included recommendations to delegate future changes to the Director of Legal and Governance Services in conjunction with the Assistant Director of Planning and Building Control.
- 7.15 Cllr Rathbone reiterated the importance of all Councillors receiving planning training. Cllr Rathbone welcomed the approach to lobbying in the Planning Code of Conduct.
- 7.16 Cllr Rathbone noted the importance for residents on both sides of the argument having the opportunity to make representations. Deputy Mayor Bramble noted that equal time was given to both sides of the argument to make representations.
- 7.17 The Director of Legal and Governance Service noted the Chair of the Planning Sub-Committee had discretion to extend the period for public speaking, on a case-by-case basis. There was an onus to ensure parity of speaking time on both sides of the argument. Cllr Webb highlighted that as chair of the Planning Sub-Committee the approach was to ensure everyone making representations felt they had been heard by the Committee. The Planning Advisory Service (as part of the Local Government Association) outlined that across the country the average speaker time was between 3-5 minutes.
- 7.18 In response to an inquiry from Cllr Sharer regarding Councillor training, the Assistant Director of Planning and Building Control noted that some elements of Planning Sub-Committee training remained the same from year to year. It was highlighted that the training programme was refreshed annually and included thematic training and tours for members of the Planning Sub-Committee. Cllr Webb noted that Planning Sub-Committee members were required to undertake compulsory training before they were able to take part in a vote on agenda items presented at the Sub-Committee.
- 7.19 It was noted in response to an inquiry from Cllr Rathbone that Councillors on the Planning Sub-Committee were able to vote on applications in their ward.

RESOLVED:

That Constitution Committee recommend to Corporate Committee that the new Planning Code of Conduct for members (Appendix 1) should replace the Planning Code of Practice (Appendix 2)

8 Any Other Business which in the opinion of the Chair is Urgent

8.1 There was no other business.

End of Meeting

Duration of the meeting: 17:30-18:17

Deputy Mayor Anntoinette Bramble in the Chair