

# PERMISSION ACCOMPLISHED

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Assessing corruption risks  
in local government planning.

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Editor: Steve Goodrich (TI-UK)

Researchers: Ben Cowdock, Jenny Fleischer, and Teddy Marks (TI-UK)

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## CORRUPTION RISKS

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# CORRUPTION RISKS IN PLANNING DECISIONS

Through our research for this report, we identified five key corruption risks relating to councillors' involvement in major planning decisions.

## Opaque lobbying

Lobbying is when interested parties put forward their views to councillors and officers, which is a healthy part of the planning decision-making process. However, when done behind closed doors and through privileged access, it can lead to the perception or reality that big decisions are distorted in favour of powerful, private interests. Examples include:

- A £200 million+ development in Liverpool under investigation by the Serious Fraud Office (SFO), with no minutes taken at meetings between the developers, councillors and their officials.

## Bribery and excessive gifts and hospitality

Bribery is the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action that is illegal, unethical or a breach of trust.<sup>1</sup> This is a criminal offence under the Bribery Act 2010.<sup>2</sup> Indicators of potential bribery include excessive hospitality and curiously timed political donations. Examples include:

- A £500 million+ development in Tower Hamlets under investigation by the National Crime Agency (NCA) over alleged solicitation of bribes for councillors.
- A planning Chair in Westminster council forced to resign over excessive gifts and hospitality worth over £13,000.
- A developer giving a series of political donations to the local branches of a political party around the same time in which they were applying for planning permission within the same local area.

## Conflicts of interest

Conflicts of interest occur where a holder of public office is confronted with choosing between the duties and demands of their position and their private interests.

We found 32 councillors across 24 councils holding critical decision-making positions in their local planning system whilst also working for developers.

## Abuse of the revolving door

The term 'revolving door' refers to the movement of individuals between positions of public office and jobs in the private sector, in either direction. Moving through the revolving door can be beneficial to both sides. However, it can also undermine trust in government, because of the potential for conflicts of interest.

We found at least 120 councillors moved between public office and private employment in the planning sector covering 75 local authorities over the past decade.

## Weak oversight

Weak oversight combined with big decisions almost encourages misconduct.

We found councils often have inadequate oversight to ensure probity in the planning process.

<sup>1</sup> Transparency International UK, *Global Anti-Bribery Guidance* <https://www.antibriberyguidance.org/guidance/5-what-bribery/guidance> [Accessed 6 June 2019]

<sup>2</sup> Bribery Act 2010 <http://www.legislation.gov.uk/ukpga/2010/23/contents> [Accessed 27 February 2020]

# HOW WELL COUNCILS MANAGE CORRUPTION RISKS

We assessed a sample of 50 out of the 317 (15 per cent) councils in England with planning responsibilities for housing to see how each one sought to prevent, protect and pursue corruption in planning decisions by councillors.<sup>3</sup> We judged these authorities on how well their policies and procedures matched up to good practice standards developed by us using the evidence from our research, and which build on existing work by the Local

Government Association (LGA) and the Committee on Standards in Public Life (CSPL). We scored each authority within our sample on a scale of 0 (poor) to 100 (meets good practice).

Based on a rigorous assessment against good practice recommendations, we found that all of the councils had significant room for improvement.<sup>4</sup>



<sup>3</sup> We conducted initial data collection for the standards assessment between February and March 2020.

<sup>4</sup> Aylesbury Vale merged into the Buckinghamshire Council unitary authority in April 2020.

## EXECUTIVE SUMMARY

In 2012, we published a report highlighting how changes in governance and oversight in English local government provided an environment where corruption was likely to thrive.<sup>5</sup> Low levels of transparency, poor external scrutiny, networks of cronyism, reluctance or lack of resource to investigate alleged wrongdoings, and the sums of money at play all provided a fertile environment for those entrusted with public office to abuse it for private gain.

At the same time, we saw the erosion of institutional checks and balances on this behaviour. Independent, public interest audits of local authorities were being abolished, universal codes of conduct for councillors were abandoned in favour of locally defined standards, and the capacity of local media significantly reduced. Consequently, the last defence against corruption at this level has become individual citizens and groups of concerned residents who are often unfunded and under-resourced to take on the task.

This report focusses on how these broad trends have translated into specific risks in major planning decisions, an area where there is often a large amount of money at stake. It is also very contentious, with many new developments resulting in a net loss of social and genuinely affordable housing, which in many areas are in short supply.

To understand what could undermine openness in the planning process and what local authorities are doing to stop this, we have collected evidence from across England. Although there are some examples of good practice, generally the results make for a worrying read.

Unminuted, closed-door meetings with developers and excessive hospitality undoubtedly undermine confidence in the planning process, yet too many local authorities have weak rules to stop this from happening. Even fewer councils have control measures for major conflicts of interest, with far too many decision-makers also working for developers on the side. Moreover, when councillors behave badly, there are no clear or meaningful sanctions available to councils that could act as an effective deterrent against serious misconduct by them or others in the future.

To address these issues we propose ten practical solutions, none of which are beyond the means of those who need to implement them. All reinforce existing guidance and good practice recommended by anti-fraud and corruption initiatives here and internationally. Some even reflect existing practice in particular parts of the UK, such as Scotland. In sum, we call for:

**Increased transparency** over councillors' engagement with developers and their representatives to prevent the perception or reality of undue influence.

**Tighter rules** governing the conduct of councillors to protect the planning process from abuse by those looking to exploit them for personal gain.

**Strengthened oversight** over councillors' conduct to deter behaviour that would bring the integrity of the planning process into question.

These are workable proposals incurring relatively little cost that could make a big difference to public perceptions of major planning decisions. By taking action, local authorities can focus on getting the right homes built in the right places instead of defending themselves from accusations of bias and corruption. Defending the status quo and allowing further scandal will do nothing for the public perception that our institutions have been captured by vested interests at the expense of the public good.

<sup>5</sup> Transparency International UK, *Corruption In UK Local Government: The Mounting Risks* (October 2013), <http://www.transparency.org.uk/publications/corruption-in-uk-local-government-the-mounting-risks/>

# RECOMMENDATIONS

## External engagement

**RISK 1: THE PERCEPTION OR REALITY THAT DECISIONS ARE UNDULY INFLUENCED BEHIND CLOSED DOORS OR IN RETURN FOR PAYMENTS IN CASH OR IN-KIND**

### Lobbying transparency

Holding meetings behind closed doors fuels suspicion about the integrity of important planning decisions.

**Recommendation 1: Minute and publish all meetings with developers and their agents for major developments.** To help provide greater confidence in interactions with those seeking planning consent, councils should ensure all meetings between councillors, developers and their agents in major planning decisions are:

- attended by at least one council official,
- recorded in detailed notes, and
- published online with the planning application file.

### Managing gifts and hospitality

Those involved in planning decisions accepting gifts and hospitality from developers or their agents can easily give rise to the perception that their judgement is being unduly influenced.

**Recommendation 2: Prohibit those involved in making planning decisions from accepting gifts and hospitality that risk undermining the integrity of the planning process.** To help prevent the perception of undue influence over planning decisions, councillors should be prohibited from accepting any gifts and hospitality that could give rise to:

- real or substantive personal gain; or
- reasonable suspicion of favour or advantage being sought.

### Reporting gifts and hospitality

Inconsistent reporting thresholds for gifts and hospitality that are accepted provide confusion for the public and councillors (especially those ‘double hatting’ i.e.

councillors in district and county councils). Also, publishing registers of gifts and hospitality as PDFs and in other non-machine-readable formats do not meet good practice standards for transparency.

**Recommendation 3: Increase transparency over gifts and hospitality.** To help present a clear and consistent view of corruption risks across local government, local authorities should be required by law to establish a register of gifts and hospitality.

This should apply to all gifts and hospitality over a value of £50, or totalling £100 over a year from a single source. This should apply to anything received by all councillors, their family members, or associates that could reasonably be regarded as given in relation to the councillor’s role as an elected official.

We support the CSPL’s recommendation that local authorities should publish registers of gifts and hospitality as structured open data – for example, a CSV format that can be opened in an Excel spreadsheet – and maintain them in a central location on their websites.<sup>6</sup>

### Leadership from industry

The lobbying industry sets out its code for managing its members’ conduct, but this should be improved to help reduce the risk of it being implicated in future impropriety.

**Recommendation 4: Stronger leadership from the industry on ethical lobbying**

The Public Affairs Board (PAB) should include explicit provisions within the public affairs code to:

- Require members to conduct engagements with elected or public officials openly and transparently.
- Prohibit members giving any gifts and hospitality to elected or public officials that could give rise to a real or substantive personal gain; or a reasonable suspicion of favour or advantage being sought.

<sup>6</sup> CSPL, *Local Government Ethical Standards* (January 2019) pp.47-48 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)

## Managing private interests

**RISK 2: THE PERCEPTION OR REALITY THAT COUNCILLORS ARE PUTTING THEIR PRIVATE INTERESTS OVER THE PUBLIC'S**

### Financial interest transparency

If a councillor has other outside employment and interests, which is not unusual, these should be made available for public scrutiny. This is required by law. However, publishing registers of financial interests as PDFs and other non-machine-readable formats do not meet good practice standards for transparency. Financial interest registers that are poorly formatted and decentralised limit the public's ability to properly hold elected officials to account. The more easily accessible they are the greater transparency and accountability there is over these interests. In some instances declaring interests is not sufficient enough and councillors should not be involved in a decision due to apparent bias.

**Recommendation 5: Improved management of financial interests.** To help improve the management of potential conflicts of interest, we support the CSPL's recommendations that:

- Councils should publish registers of financial interests as structured open data – for example, a CSV format that can be opened in an Excel spreadsheet – and maintain them in a central location on their websites.<sup>7</sup>
- Section 31 of the Localism Act is repealed and replaced with a new requirement for councillors to remove themselves from decisions where there it can reasonably be regarded that they hold a significant conflict of interest that could prejudice their judgement.<sup>8</sup>

### Managing conflicts of interest with current outside employment

It is not good practice to allow elected officials to lobby or provide advice on lobbying other elected officials. Permitting this creates the obvious risk that they abuse their position for their commercial benefit and the private gain of their clients, potentially at the public's expense.

**Recommendation 6: Prohibit all councillors from undertaking lobbying or advisory work relating to their duties on behalf of clients.** To help provide confidence that councillors are working in the public interest, members should be prohibited from:

- lobbying councils on behalf of paying clients, and
- providing paid advice on how to influence councils.

The PAB should also amend its code of conduct to, as soon as reasonably practicable, prohibit its members from employing sitting councillors, as it does for other forms of elective office.

### Managing the revolving door

Moving through the revolving door between public and private office can be beneficial to both sides, improving understanding and communication between public officials and business, and allowing sharing of expertise. However, the revolving door brings risks that the interests of past or prospective employers could influence officials in their decisions.

### Recommendation 7: Manage the revolving door between the elective office and private business.

To help reduce the risk of councillors abusing their movement between public and private office, local authorities should:

- Provide advice, guidance and training to those involved in making decisions on planning applications about the risks involved.
- Prohibit those who have recently worked as lobbyists for developers, or for developers seeking planning permission (for example within the prior two years), from sitting on planning committees or receiving executive responsibilities relating to planning.
- Require councillors to report any offers of employment to their Monitoring Officer, including details of any interaction they have had with their prospective employer.

<sup>7</sup> CSPL, *Local Government Ethical Standards* p.48

<sup>8</sup> CSPL, *Local Government Ethical Standards* p.51

## Regulating conduct

### RISK 3: WEAK OVERSIGHT DOES NOT PREVENT OR DETER MISCONDUCT

#### Clear advice, guidance and protocols

There are some good examples of local authorities providing mandatory training and clear guidelines on conduct for those involved in making planning decisions. However, there are still many that do not.

**Recommendation 8: Provide clear guidance and boundaries for councillors so they can better understand what is and is not acceptable behaviour.** To inform councillors about the boundaries of acceptable conduct in the planning process, all local authorities should introduce:

- Compulsory training for those on planning committees or with executive functions relating to planning, including specific modules on ensuring integrity in the process and the factors they should take into account when making a decision.
- Establish a dedicated planning protocol, with proportionate sanctions for non-compliance.

#### Clear and credible deterrents against serious misconduct

In its 2019 report on ethical standards in local government, the CSPL highlighted there are not enough options for sanction when a councillor has committed a serious breach of the rules that falls short of criminal conduct.<sup>9</sup> Unless a criminal offence is committed (for example, an offence under the Bribery Act 2010 or the common law offence of misconduct in public office) there are currently insufficient deterrents against particularly egregious behaviour; for example, significant breaches of the rules on declaring financial interests or disclosure of confidential information. Opaque investigations and sanctions in concluded cases of misconduct also weaken the deterrents local authorities have.

**Recommendation 9: Provide a meaningful deterrent for serious breaches of the code of conduct.** To provide a meaningful deterrent against impropriety in the planning process, we support the recommendations from the CSPL that Government should legislate to:

- Give local authorities the power to suspend councillors, without allowances, for up to six months with the ability to appeal the decision to the Local Government and Social Care Ombudsman for England.

- Clarify beyond doubt that local authorities may lawfully bar councillors from council premises or withdraw facilities as sanctions.
- Require councils to prepare and publish a sanctions policy explaining when they will use their enforcement powers, and what independent safeguards they will use to protect against their abuse.

**Recommendation 10: Increase transparency over investigations and enforcement action.** To help provide a greater understanding of the level of alleged misconduct and to provide a greater deterrent against future breaches of the rules, local authorities should regularly publish in a central location:

- Anonymised details about allegations made regarding councillors' alleged misconduct, including any grounds for rejection; for example, they were malicious or unfounded.
- Summary statistics on the number of investigations underway, including their status.
- Full details of substantiated breaches, including the councillor concerned, and any sanctions imposed.

<sup>9</sup> CSPL, *Local Government Ethical Standards* pp.65-74

# INTRODUCTION

This report seeks to fill the evidential gap on corruption risks in major housing planning decisions. We define corruption as the abuse of entrusted power for private gain, which covers a broad range of behaviour from bribery to exploiting conflicts of interest.<sup>10</sup> We have not taken a strict definition of what constitutes a major development; however, all of those we have examined during our research should easily meet the statutory definition.<sup>11</sup> While we recognise that planning decisions, and their associated corruption risk, can relate to non-residential developments and regeneration, the scope of our research has solely focused on those relating to decisions at the local level involving housing. We chose to focus on housing in particular because of the significance of sensitivities around the delivery of new homes, and recent cases where perceived, or perhaps real, impropriety has occurred in the planning process.

Due to resource constraints, we have only focused on how these risks present in relation to elected representatives. However, the methods we have used to analyse the nature and scale of these risks could be easily adapted for unelected council officials. The Royal Town Planning Institute (RTPI) also provides a guide for members on ensuring integrity in the planning process from an officer's and consultant's perspective.<sup>12</sup>

We also note that there are significant concerns about the framework and process for assessing the viability of developments and the impact this has on the provision of social and affordable housing. While the issue merits further investigation it is beyond the scope of this report.

As recognised by the Committee on Standards in Public Life's (CSPL) 2019 review of ethical standards in local government, we agree that the number of councillors engaged in egregious behaviour is likely to be relatively small compared to the overall number of people holding this office. However, we have also seen how small pockets of alleged or actual misconduct can seriously undermine confidence in the planning process, and even the delivery

of billions of pounds of developments themselves. This is why understanding the risks of corruption are just as important as understanding the scale of actual misconduct.

## Background

In 2011, we published the second in a series of papers examining corruption in the UK.<sup>13</sup> When reviewing local government our researchers found a contradiction: the public and some international institutions perceived this sector to be the most corrupt despite there being little evidence to support the claims.<sup>14</sup> However, what we did note was that proposed reforms could erode existing safeguards against the abuse of entrusted power at this level.

In 2013, we published a follow-up report that sought to explore this in more detail.<sup>15</sup> Our research found that corruption risks inherent in several local government functions, such as procurement and planning, were increasing due to the implementation of changes that were a concern in our previous assessment. In particular, we identified that the removal of national codes of conduct for councillors in England, alongside the weakening of the systems for enforcing standards and audit, had watered-down some of the institutional safeguards against corruption. Combined with the increase of informal power by those in positions of authority and the declining resources of local media outlets, the changes provide a fertile environment for corrupt behaviour. Sir Eric Pickles' 2016 review into electoral fraud recognised these consequences and recommended that there needed to be greater checks on executive power in local authorities than is currently the case.<sup>16</sup>

Since then the UK Government has published its first anti-corruption action plan<sup>17</sup> and strategy,<sup>18</sup> which include steps to better understand and build defences against corruption in local authorities. So have councils, who

<sup>10</sup> <https://www.transparency.org/glossary> [Accessed 29 January 2020]

<sup>11</sup> The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), Article 2 <http://www.legislation.gov.uk/uksi/2015/595/contents/made>

<sup>12</sup> Royal Town Planning Institute, *Probity and the Professional Planner* (January 2020) <https://www.rtpi.org.uk/media/3974/probity-and-the-professional-planner-final.pdf>

<sup>13</sup> Transparency International UK, *Corruption in the UK: Overview & Policy Recommendations* (2011) <https://www.transparency.org.uk/publications/corruption-in-the-uk-overview-policy-recommendations> [Accessed 6 April 2019]

<sup>14</sup> Transparency International UK, *Corruption in the UK: Part Two: Assessment of Key Sectors* (June 2011) pp.49-51 <https://www.transparency.org.uk/publications/corruption-in-the-uk--part-two---assessment-of-key-sectors/>

<sup>15</sup> Transparency International UK, *Corruption in UK Local Government: The Mounting Risks* (October 2013), <http://www.transparency.org.uk/publications/corruption-in-uk-local-government-the-mounting-risks/>

<sup>16</sup> Sir Eric Pickles, *Securing the Ballot* (August 2016) pp.53-54 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545416/eric\\_pickles\\_report\\_electoral\\_fraud.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/545416/eric_pickles_report_electoral_fraud.pdf)

<sup>17</sup> HM Government, *UK Anti-Corruption Plan* (December 2014) pp.31-34 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/388894/UKAntiCorruptionPlan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKAntiCorruptionPlan.pdf)

<sup>18</sup> HM Government, *United Kingdom Anti-Corruption Strategy 2017-2022* (December 2017) pp.42-45 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/667221/6\\_3323\\_Anti-Corruption\\_Strategy\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf)

have recognised the need to have an ‘honest appraisal of risks and the resources required to tackle them’.<sup>19</sup> And in its 2019 review of ethical conduct in local government, the CSPL recognised that while most councillors act with honesty and integrity, ‘there is clear evidence of misconduct by some’.<sup>20</sup> However, none of these has looked specifically at the potential for the corruption of planning decisions for private benefit over the public interest, despite this being a substantial and high profile part of local government’s functions.

According to data published by the UK Government, for the financial year ending March 2019, there were over 7,000 major planning decisions made by 317 different local authorities in England alone.<sup>21</sup> These represent tens of thousands of housing units and millions, if not billions, of pounds worth of investment at stake. This planning framework favours development, with an emphasis on swift decisions,<sup>22</sup> which can be achieved through voluntary planning agreements between the developer and local authority.

At the same time, the resources at councils’ disposal to shape proposals for the benefit of their residents is comparatively small. Cuts to budgets in England have reduced substantially the amount spent on assessing planning and development decisions, with the National Audit Office (NAO) estimating that expenditure on these services fell by more than 50 per cent between 2011 and 2017.<sup>23</sup> Councillors – who are mostly part-time – are reliant on shrinking support from their officers.

This imbalance between the pressure to build and under-resourced councils has the potential to produce a housing supply that is more beneficial to developers than to the needs of residents. There is also the risk that those empowered to pass judgement on major applications will use their position for personal or private benefit at the public’s expense. Either way, planning processes could be corrupted or captured by vested interests.

To help mitigate some of the most obvious risks – where councillors have a stake in the outcome of the decision – there are statutory obligations on them to report financial interests and exclude themselves from meetings where these may relate to matters under discussion.<sup>24</sup> However, as part of its 2019 review into ethical standards

in local government, the CSPL noted these disclosure requirements were too narrow. For example, currently, a councillor would not need to remove themselves from proceedings or declare an interest in an application if it was brought forward by a close family member or associate.<sup>25</sup>

Local authorities in England may also choose to require councillors to report any gifts and hospitality they receive in their code of conduct, which can highlight potential lobbying by applicants that may raise questions about the impartiality and soundness of the recipient’s judgements. However, unlike Scotland, Wales and Northern Ireland, this is not mandatory, with individual authorities left to determine whether to report these contributions and over what amount.

For more serious impropriety, the Bribery Act 2010 or the common law offence of misconduct in public office could come into play. Yet there is still scope for councillors involved in making the determination on a planning application to engage in questionable, but legal, behaviour during the planning process. Despite advice to the contrary,<sup>26</sup> there is little provision in many local authority’s rules to stop them from having pre-planning meetings with applicants without minutes taken or a council officer present. We have seen this fuel the perception that some developers are capturing the planning process through improper discussions with those holding decision-making powers.

Similarly, there is nothing to stop councillors having developers as clients in their outside employment while also making decisions on planning applications, so long as that client is not directly involved. Such outside interests can easily give rise to the perception, and potentially the reality, that their decision is predetermined or biased in favour of those who could be future customers. Given the lack of controls over who councillors work for while in public office (or afterwards) and the often-part-time nature of this elected role, these risks seem particularly heightened.

<sup>19</sup> Fighting Fraud & Corruption Locally, *The Local Government Counter Fraud and Corruption Strategy 2016-2019* (March 2016) p.21 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/503657/Fighting\\_fraud\\_and\\_corruption\\_locally\\_strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503657/Fighting_fraud_and_corruption_locally_strategy.pdf)

<sup>20</sup> CSPL, *Local Government Ethical Standards* (January 2019) p.10 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)

<sup>21</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/875049/Table\\_P120A\\_Final.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875049/Table_P120A_Final.xlsx) [Accessed 9 April 2020]

<sup>22</sup> Ministry of Housing, Communities & Local Government (MHCLG), *National Planning Policy Framework* (February 2019) p.6 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733637/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733637/National_Planning_Policy_Framework_web_accessible_version.pdf)

<sup>23</sup> National Audit Office, *A Short Guide to Local Authorities* (October 2017) p.12 <https://www.nao.org.uk/wp-content/uploads/2017/09/A-Short-Guide-to-Local-Authorities.pdf>

<sup>24</sup> Localism Act 2011, Section 31(4) <http://www.legislation.gov.uk/ukpga/2011/20/section/31/enacted>.

<sup>25</sup> CSPL, *Local Government Ethical Standards* pp.49-51

<sup>26</sup> LGA/PAS, *Probity in Planning, Advice for Councillors and Officers Making Planning Decisions*, (December 2019) p.16 [https://www.local.gov.uk/sites/default/files/documents/34.2\\_Probity\\_in\\_Planning\\_04.pdf](https://www.local.gov.uk/sites/default/files/documents/34.2_Probity_in_Planning_04.pdf)

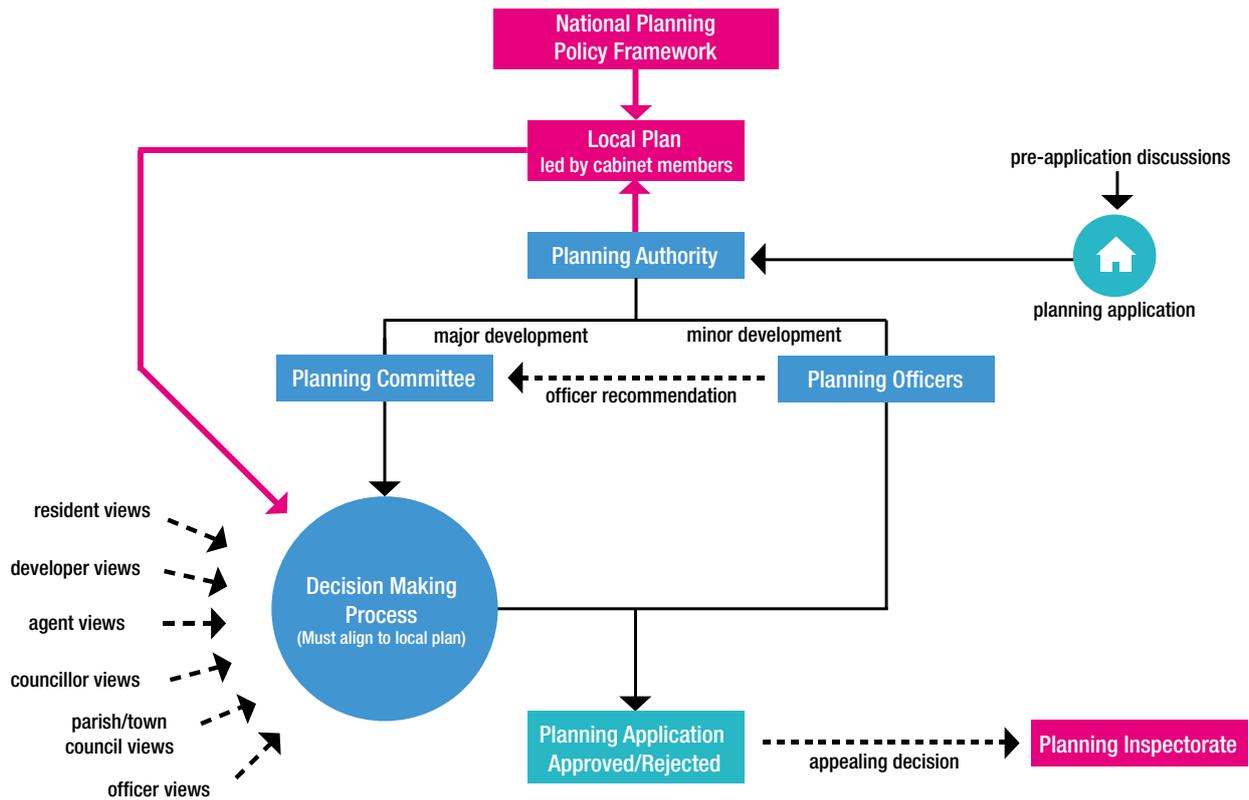


Figure 1: Overview of the planning process in England

## The planning process

The Town and Country Planning Act 1990 defines development as the ‘building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land’.<sup>27</sup>

On the national level, the UK Government produces a national planning policy framework, setting out its planning policies for England and how these should be implemented.<sup>28</sup> Local planning authorities (such as district or borough councils) then develop a local plan based on these national requirements. As most planning decisions are made at the local level, planning applications must align with both the local authority’s local plan and the national planning policy framework that underpins it.

Before a developer submits a planning application, pre-application discussions may take place between the developer, their planning agents, councillors and local authority officials. This is encouraged, because it leads to better communication and collaboration between the two parties, and should, in theory, lead to better quality development while reducing costs and wasted effort.<sup>29</sup>

Once the developer decides to submit a planning application, the significance of the proposal determines how it will be delegated. Each local authority produces their own scheme of delegation, but about 90 per cent of planning applications in England are determined by planning officers – as these would be considered minor.<sup>30</sup> As for major applications, which would be more substantial and controversial for the local community, these are delegated to the planning committee by the full council.<sup>31</sup>

Members of the planning committee are councillors. Their fundamental role is to make planning decisions for the benefit of the whole community, and this is done by listening to experts, the views of the applicant and the wider community.<sup>32</sup> Public meetings are held where the development proposal is discussed and representations are made by interested parties. Planning committee members also receive a report from planning officers, which provides recommendations on whether to approve or reject the application. Councillors are not required to comply with these recommendations however any objection they do make must be on specific planning grounds to avoid losing on appeal.<sup>33</sup>

27 Town and Country Planning Act 1990, <http://www.legislation.gov.uk/ukpga/1990/8/contents>

28 MHCLG, *National Planning Policy Framework*

29 LGA, *10 Commitments for Effective Pre-Application Engagement* (January 2014) <https://www.local.gov.uk/sites/default/files/documents/10-commitments-effective--927.pdf>

30 LGA/PAS, *Making Defensible Planning Decisions* (June 2019) <https://www.local.gov.uk/pas/pas-support/planning-committee-support/making-defensible-planning-decisions>

31 Although they do not include party whips.

32 LGA/PAS, *Making Defensible Planning Decisions*

33 LGA/PAS, *Probity in Planning* 19

After the planning committee votes on an application, it can be accepted, rejected, or accepted but with conditions. The applicant has the right to appeal the committee's decision, which is dealt with by the Planning Inspectorate for England and Wales.<sup>34</sup> If the applicant is unhappy with the Planning Inspectorate's decision and feels there has been a legal error, the issue can be taken up with the High Court.

In specific circumstances, for example where a decision conflicts with national planning policy, the Secretary of State for Housing, Communities and Local Government can 'call in' the decision for them to make, taking into account advice from a planning inspector.<sup>35</sup>

## Legislative and policy context

Previously, the centralised code of standards for councillors had applied to England, Scotland and Wales since 1975. The Local Government Act 2000 ('the 2000 Act') made numerous changes following the CSPL's report on local government standards, which was published in 1997. The 2000 Act introduced several measures including a statutory code of conduct, independent standards committees for each local authority, and a central regulatory body – later known as Standards Board for England. Between 2000 and 2012, this body was responsible for overseeing a national code of conduct and investigating alleged breaches.<sup>36</sup>

A decade later in 2010, the UK Government put forward a new case for reform on local government standards. The aim was to decentralise the regime, giving local authorities more autonomy to manage their local contexts. Subsequently, the Localism Act 2011 overturned many of the previous developments, leading to the abolition of the Standards Board for England and removing the national code of conduct. As a result, local authorities in England are now solely responsible for the conduct and standards of their councillors, and their standards committees are no longer supported by a national regulator.

While the Localism Act 2011 still requires English local

authorities to produce codes of conduct and provides minimum standards regarding the declaration and management of financial interests, the absence of a standardised and nationwide approach has led to a wide variety of practice. The Local Government Association (LGA) and its Planning Advisory Service (PAS) has produced guidance to advise councils on good practice standards in planning contexts.<sup>37</sup> However, these are not mandatory requirements and local authorities in England are not obliged to comply with them.

There are some, albeit limited, statutory offences to deter serious misconduct in English local authorities. UK-wide offences such as bribery (including soliciting a bribe) and misconduct in public office apply, and there is a criminal offence under the Localism Act 2011 for failing to report financial interests. However, as the CSPL noted in its 2019 review of ethical standards in local government, the criminalisation of councillors failing to report financial interests seems disproportionate considering the crime, while councils lack an effective toolkit of sanctions to deter misconduct that falls short or outside of the other criminal offences.<sup>38</sup> In particular, their inability to suspend councillors for serious misconduct and the absence of a statutory backing for withholding their access to facilities provides a weak deterrent against the abuse of office.

Outside of England, all other parts of the UK retain centralised standards regimes. In Scotland, ministers issue the code of conduct for councillors, which is approved by the Scottish Parliament.<sup>39</sup> The Ethical Standards Commissioner<sup>40</sup> investigates alleged breaches and reports to the Standards Commission for Scotland,<sup>41</sup> who may apply sanctions where a breach is found. Similarly, the Northern Ireland Executive issues a single code of conduct,<sup>42</sup> which is approved by the Northern Ireland Assembly and enforced by the Northern Ireland Ombudsman.<sup>43</sup>

In Wales, councils do adopt codes of conduct, but they are required to include the provisions of a national model code, which is defined by ministers and approved by the National Assembly for Wales.<sup>44</sup> Any alleged breaches are referred in the first instance to the Public Services

<sup>34</sup> UK Government, Planning Inspectorate, *Planning Appeals: Procedural Guide* (6 April 2015) <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>.

<sup>35</sup> <https://www.gov.uk/government/collections/planning-applications-called-in-decisions-and-recovered-appeals#:~:text=Called%2Din%20applications&text=If%20the%20secretary%20of%20state,account%20when%20making%20the%20decision>. [Accessed 7 July 2020]

<sup>36</sup> For a more detail review of the standards framework for local government, see the latest briefing from the House of Commons Library: *Local Government Standards in England* (March 2019) <https://commonslibrary.parliament.uk/research-briefings/sn05707/#fullreport>

<sup>37</sup> LGA/PAS, *Probity in Planning*

<sup>38</sup> CSPL, *Local Government Ethical Standards* pp.65-74

<sup>39</sup> Scottish Government, *Code of Conduct for Councillors* (July 2018) <https://www.standardscommissionscotland.org.uk/uploads/files/1531127491CILrsCodeofConductJuly2018.pdf>

<sup>40</sup> <https://www.ethicalstandards.org.uk/> [Accessed 2 April 2020]

<sup>41</sup> <https://www.standardscommissionscotland.org.uk/> [Accessed 4 April 2020]

<sup>42</sup> Department of the Environment, *The Northern Ireland Local Government Code of Conduct for Councillors* (May 2014) <https://www.communities-ni.gov.uk/sites/default/files/publications/doe/the-northern-ireland-local-government-code-of-conduct-for-councillors.pdf>

<sup>43</sup> <https://nipso.org.uk/nilgcs/> [Accessed 2 April 2020]

<sup>44</sup> <https://www.legislation.gov.uk/wsi/2008/788/contents/made> [Accessed 19 May 2020]

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Ombudsman for Wales.<sup>45</sup> If the ombudsman determines that there is strong enough evidence of a breach, it refers the matter either to the local authority's ethics and standards committee or to the Adjudication Panel for Wales.<sup>46</sup> Ethics and standards committees have the power to censure a member or suspend or partially suspend a member for a period not exceeding six months. The adjudication panel has the power to disqualify councillors from office for up to five years.

In Scotland, sanctions can include suspending a councillor for up to one year, suspending a councillor from attending any council meeting or committee for up to one year, and even disqualifying a councillor from elected office for up to five years.<sup>47</sup> The same sanctions apply in Northern Ireland.<sup>48</sup>

## Our research

We have split this report into five main sections to provide a summary of our research into the corruption risks and practices that are present in English local government planning decisions.

**Methodology:** How we have assessed corruption risk and the safeguards against them.

**Three key risk areas:** A short description of the three key areas of corruption risks we have identified through our research:

1. Engaging external stakeholders
2. Managing private interests
3. Regulating conduct

We also cover how these have occurred in practice, including case studies; how councils manage them currently; and recommendations for mitigating these risks in the future.

**Conclusions:** A summary of what we have learnt and what needs to be done about the issues identified through our research.

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<sup>45</sup> <https://www.ombudsman.wales/> [Accessed 2 April 2020]

<sup>46</sup> <https://adjudicationpanel.gov.wales/about> [Accessed 2 April 2020]

<sup>47</sup> Scottish Government, *Code of Conduct for Councillors* p.28

<sup>48</sup> Department of the Environment, *The Northern Ireland Local Government Code of Conduct for Councillors* p.29

# METHODOLOGY

Our research sought to answer three primary questions:

1. What are the main corruption risks in local planning decisions in England?
2. How prevalent are these risks?
3. How are local authorities mitigating these risks?

This section outlines how we sought to answer these questions and propose our recommendations for change.

## What are the main corruption risks in local planning decisions?

Using a readily-available open-source sample, we initially collected data on reported incidents of corruption in local government planning decisions over the last 10 years.<sup>49</sup>

We identified 13 major cases covering 16 local authorities in England involving serious alleged or proven breaches of codes of conduct or undue influence exerted over planning processes. All of these involve activity within the last five years. These allegations relate to over £5 billion worth of developments and over 10,000 new housing units.

Three of these cases involve alleged bribery, with two criminal investigations ongoing. Four cases involve opaque lobbying tactics that have undermined public confidence in substantial regeneration projects. Five cases involve instances where a conflict of interest is alleged to have influenced the planning process, either directly or by individuals using personal networks to lobby for certain decisions to be taken. Others involve excessive or questionable gifts and hospitality.<sup>50</sup>

Using this sample, a literature review and discussions with over 40 experts, planning professionals, councillors, and council officials, we identified three key areas of corruption risk in local government planning decisions:

1. Engaging external stakeholders
2. Managing private interests
3. Regulating conduct

We have outlined these risks in more detail in the sections below, alongside how they have presented as 'live' corruption issues, and how to mitigate them.

## How prevalent are these risks?

To understand the potential scale of corruption risks in planning decisions we explored these three areas in more detail.

### 1. Engaging external stakeholders

How many councillors have received gifts and hospitality from organisations and individuals potentially seeking planning permission?

This involved collecting gifts and hospitality data from councils in six major English cities: Birmingham, Manchester, Newcastle, Sheffield, Liverpool, and all London councils. These were selected as the size of investments involved meant the risks of impropriety were greater.

### 2. Managing private interests

How many councillors involved in planning decisions have held potential or real conflicts of interest?

This involved using a sample from online sources (such as LinkedIn), reviewing councils' registers of interests, and the websites of lobbying firms, to identify the movement of people between related positions in the public and private sector.

### 3. Regulating conduct

How have local authorities and the lobbying industry sought to regulate the conduct of their members?

For local authorities, we assessed a sample of 50 councils in England – 15 per cent of total<sup>51</sup> – with planning responsibilities for housing to see if they had policies and processes in place to detect, deter and sanction corruption in planning decisions by councillors. We selected local authorities of every type<sup>52</sup> from every region of the country, with the number of authorities chosen in rough proportion to the number within each of England's nine regions.<sup>53</sup> A full list of these and their current political

<sup>49</sup> This was collected through key word searches using popular internet search engines, and our ongoing media and horizon scanning activities.

<sup>50</sup> Note some cases include multiple issues, so in total, the number of issues is greater than the number of cases.

<sup>51</sup> There are 343 principal local authorities across England. However, we have excluded the 26 county councils in England, which do not have major planning responsibilities concerning housing.

<sup>52</sup> Above parish and community council level and with planning responsibility for housing planning decisions.

<sup>53</sup> East Midlands, East of England, London, North East, North West, South East, South West, West Midlands, Yorkshire and The Humber.

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composition is in Annex I.

In the *Safeguards* part of each section of this report, we include an overview of the key standards within the assessment. These were developed using the same method for developing our recommendations for change (see below) and, therefore, mirror these proposals.

We used a scoring matrix to ensure consistency in our assessment of each local authority's codes and procedures in mitigating the key corruption risks. After an initial round of scoring, we conducted an equalisation process to ensure there was no variation in the way different authorities were scored on the same assessment criteria. We also invited each of these 50 local authorities to engage in this process and provided them with an opportunity to comment on their draft results before publication of this report. We are thankful for those monitoring officers and other local officials who engaged with this process and provided useful insight into the workings of the standards regime from their perspective. We also recognise that many of the local authorities we contacted were unable to engage substantively due to the coronavirus (Covid-19) outbreak, and we look forward to discussing these issues with them in the future at a more convenient time.

For lobbyists, we reviewed:

1. How many of those who were also sitting councillors had complied with their industry body's rules on declaring this potential conflict of interest on the voluntary register of lobbying.
2. How many reported their outside employment properly on their register of financial interests, which is a statutory requirement.

We invited the lobbying industry body, the Public Affairs Board (PAB), to discuss the initial findings of our research and highlight any inaccuracies in our findings.

## Limitations

Due to time and resource constraints, we have had to adopt targeted and convenience sampling in our approach to understanding many aspects of this issue. Our ability to undertake a more comprehensive assessment of risks across England was hampered significantly by the inconsistent and inaccessible way in which authorities publish details about councillors' financial interests, and gifts and hospitality. This means it is harder to generalise

our findings in this report to all local authorities with a high level of confidence that they carry the same level of risk. However, they do show that in certain parts of England there are particularly high levels of corruption risk and very few safeguards against them.

## Developing recommendations for change

When considering how councillors should conduct themselves and what measures should be in place to tackle corruption in local government, we drew from five main sources:

### The 7 principles of public life (the 'Nolan Principles')

Developed by Lord Nolan<sup>54</sup> as part of the CSPL's first report, these principles guide how public officials should conduct themselves. Under the Localism Act 2011, all local authorities in England must include these principles in their codes of conduct,<sup>55</sup> and they form part of the codes governing councillors' conduct in Scotland, Wales and Northern Ireland.

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

### Transparency International research

Our movement has more than 25 years' experience researching corruption across the world and developing solutions to help tackle it. We have drawn specifically from our previous inquiries into corruption in the UK<sup>56</sup> and local government,<sup>57</sup> and the international standards for lobbying regulation we co-created with Access Info Europe, Sunlight Foundation and Open Knowledge International, which are relevant to a substantial amount of the issues we identified through this research.<sup>58</sup>

<sup>54</sup> Lord Nolan was the first chairperson of the CSPL.

<sup>55</sup> Localism Act 2011, Section 28

<sup>56</sup> Transparency International UK, *Corruption in the UK: Overview & Policy Recommendations*

<sup>57</sup> Transparency International UK, *Corruption in Local Government*

<sup>58</sup> <http://lobbyingtransparency.net/> [Accessed 12 June 2019]

## **LGA/PAS Guide to Probity in Planning for Councillors and Officers**

The LGA/PAS produce guidance for councillors and officers on ensuring integrity in the planning process. Although it does not constitute legal advice or a binding set of rules, it does provide good practice recommendations for councils to follow and advises readers on how to comply with their legal obligations. The guidance was last updated in December 2019.

## **CSPL Report on Local Government Ethical Standards**

Although not focused specifically on planning issues, the CSPL's 2019 report on local government ethical standards contained a significant amount of overlap with the subject matter under review in our research.

## **Peer review**

We subjected our draft recommendations for peer review by several experts with extensive knowledge of local government standards in public office and issues regarding development. Although our final proposals do not necessarily reflect their views, they are strengthened by the informed feedback of these peer reviewers. In particular, we would like to thank the following for their comments: Nick Gallent, Ed Hammond, Paul Hoey, Jason Lowther, Jonathan Rose, and several local authority officers who engaged with us during this research

# COUNCILLORS ENGAGING EXTERNAL STAKEHOLDERS



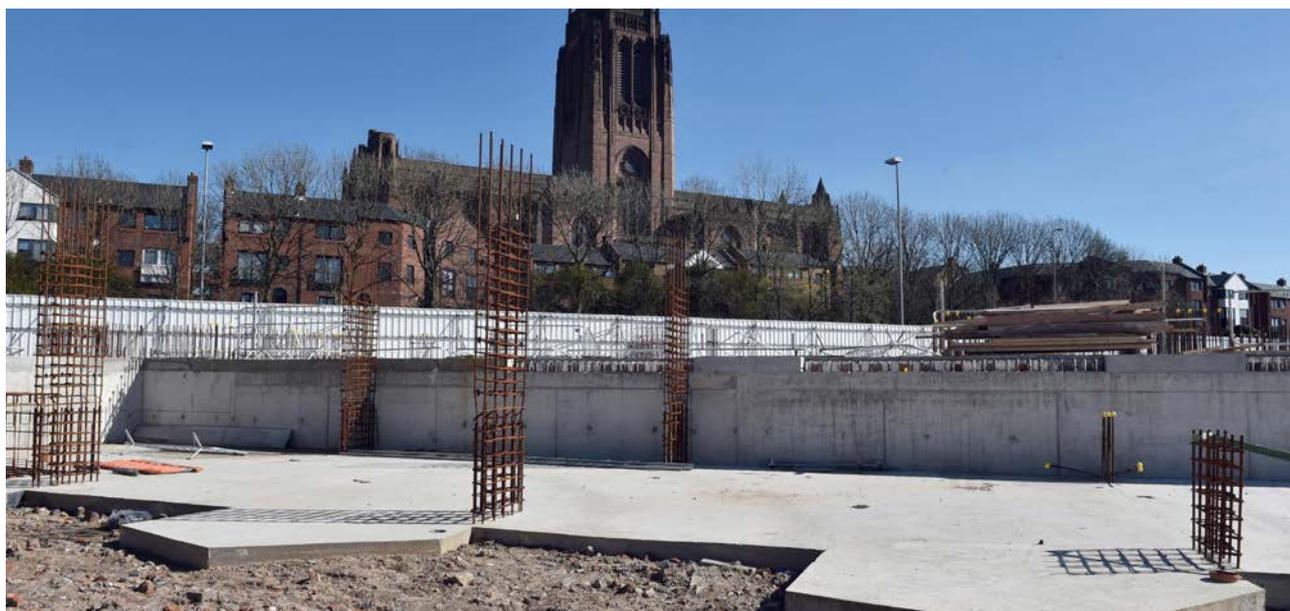
## Risk: Opaque lobbying

Lobbying is when interested parties put forward their views to councillors and officers, which is a healthy part of the planning decision-making process. However, when done behind closed doors and through privileged access, it can lead to the perception or reality that big decisions are distorted in favour of powerful, private interests.

During our research, we identified councillors holding private, unminuted meetings without officials present, or the knowledge of officials, as the most prominent form of opaque lobbying. This was often in combination with other activities that present a corruption risk; for

example, lobbyists employing councillors to help promote developers' applications (see *conflicts of interest* from page 23) and lavishing gifts and hospitality on decision-makers (see *bribery and excessive gifts and hospitality* from page 17).

This risk was particularly difficult to analyse on a large scale given the time and resources we had available. In our initial case study analysis, we identified four major cases where questions were raised about opaque lobbying practices by developers or those representing them. However, during our research, we also found anecdotal evidence that there is poor record-keeping of meetings between developers and councillors.



### Case study

#### Liverpool failed developments

In response to freedom of information requests regarding stalled developments in Liverpool, the city council admitted that it kept no formal minutes for all of its meetings with the developers before granting planning consent.<sup>59</sup> After receiving planning consent, the developer filed for insolvency, which may have lost investors up to £200 million.<sup>60</sup> The developments are now under investigation by the Serious Fraud Office (SFO).<sup>61</sup>

One of the developers behind the failed project, PHD1 Construction Limited, donated £1,800 to the Garston and Halewood Constituency Labour Party after planning permission was authorised. Local campaigners have claimed this raises questions about the relationship between the developers and local politicians.

Those responding to these allegations have strongly denied any wrongdoing.

<sup>59</sup> [https://www.whatdotheyknow.com/cy/request/489817/response/1179419/attach/4/601295%20P%20Williams%20Response.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/cy/request/489817/response/1179419/attach/4/601295%20P%20Williams%20Response.pdf?cookie_passthrough=1) [Accessed 11 September 2018]

<sup>60</sup> <https://www.liverpoolecho.co.uk/news/business/police-considering-investment-fraud-probe-14723708> [Accessed 12 June 2019]

<sup>61</sup> <https://www.sfo.gov.uk/cases/pinnacle-angelgate-north-point-pall-mall-and-new-chinatown/> [Accessed 12 June 2019]

**COUNCIL  
FOR THE  
PEOPLE  
NOT  
PROPERTY  
DEVELOPERS**



### Risk: Bribery and excessive gifts and hospitality

Bribery is the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust.<sup>62</sup> Inducements can take the form of gifts, loans, fees, rewards or other advantages (taxes, services, political donations, favours etc.). This is a criminal offence under the Bribery Act 2010.<sup>63</sup>

While convictions for domestic bribery are not very common in the UK, it is the most serious form of alleged corruption we found in planning decisions. Our research also identified that indicators of potential bribery – such as excessive hospitality and curiously-timed political donations – have arisen in certain parts of the country.

In our case analysis, we identified three incidents involving alleged or proven bribery, and questions raised about gifts and hospitality given to key councillors in four others. The total value of the developments related to these cases is hard to determine given some have since been cancelled or are yet to start, however, a conservative estimate would put the value of developments under scrutiny over £4.8 billion.

To analyse the prevalence of gifts and hospitality in more detail we undertook two pieces of analysis:

- A detailed analysis of gifts and hospitality data reported by London councillors covering 29 of the capital's 33 boroughs.<sup>64</sup>
- A review of the gifts and hospitality reported by councillors involved in major planning decisions across five other major UK cities (Birmingham, Manchester, Newcastle Sheffield, and Liverpool).

#### London gifts and hospitality analysis

In 2018, an investigative journalist provided us with a dataset of gifts and hospitality reported by London councillors that could reasonably be thought to relate to property development; for example, if the provider of a gift was a property company or a lobbyist representing a developer, and the recipient was a member of the local planning committee.<sup>65</sup> At the time of writing, much of

this data is no longer available on these local authorities' websites. However, we have filtered the dataset for records reported between 2010 to 2018 (the latest year available on receipt of the data), and refined, categorised and reformatted it to enable us to understand the nature and scale of activities during this period.<sup>66</sup> Key findings include:

- Between 2010 and 2018, 104 councillors across 29 of London's 33 boroughs reported 1,262 gifts and hospitality that could reasonably be thought to be related to property development, which we estimate to be worth more than £110,000.
- From 2016 to 2018, 84 councillors reported 667 of these gifts and hospitality, which we estimate to be worth £74,000.
- 75 per cent of all these gifts and hospitality (941) between 2010 and 2018 were reported by councillors in Westminster.
- 68 per cent of all gifts and hospitality (855) were reported by just two councillors: Robert Davis and Jonathan Glanz.

Although we managed to gather some data on gifts and hospitality across a sample of authorities, this was an extremely time-consuming and imperfect exercise due to how these data are published, and some councils not requiring this information from their members. Instead of publishing councillors' gifts and hospitality as structured open data – which would allow for easy collection, review and analysis – authorities make it available in PDF documents that are often hidden away in obscure parts of their website. In its 2018 review of MPs' outside interests, the CSPL found that publishing the financial interests of elected officials in this manner was 'not fit for purpose'.<sup>67</sup>

Despite these challenges, the data identified one authority in London – Westminster City Council – where the frequency and nature of these gifts and hospitality were worrying enough to merit investigation by journalists, which subsequently triggered a self-referral of a councillor for review by the local monitoring officer for potential breaches of its code of conduct. The following case study provides more detail on what happened.

<sup>62</sup> Transparency International UK, *Global Anti-Bribery Guidance* <https://www.antibriberyguidance.org/guidance/5-what-bribery/guidance> [Accessed 6 June 2019]

<sup>63</sup> Bribery Act 2010 <http://www.legislation.gov.uk/ukpga/2010/23/contents> [Accessed 27 February 2020]

<sup>64</sup> Data for four boroughs was not available.

<sup>65</sup> We were provided with data on reported gifts and hospitality across London boroughs by an investigative journalist, Frankie Crossley, who was analysing the nature of lobbying by developers across the capital at the time of our research. We would like to thank Frankie for her tireless work collecting this information and entering into a format that was easier to analyse than those provided by the authorities.

<sup>66</sup> Gifts and hospitality are often reported as free-form text, so we have had to extract the following values into separate fields for analysis: the date of receipt, the organisation providing the gift/hospitality, the nature of the gift/hospitality and the estimated value (where available).

<sup>67</sup> CSPL, *MPs Outside Interests* (July 2018) p.46 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721697/CSPL\\_MPs\\_outside\\_interests\\_-\\_full\\_report.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721697/CSPL_MPs_outside_interests_-_full_report.PDF)



## Case study

### Excessive gifts and hospitality at Westminster City Council

In February 2018, *The Guardian* reported that Conservative Party councillor Robert Davis – Westminster's then deputy leader and recent chair of its planning committee – had declared receiving 514 gifts and hospitality over three years. In 2016, this included gifts and hospitality from 58 successful applicants for planning permission.<sup>68</sup> The article did not claim there had been breaches of the council's rules; however, according to data we have analysed, the scale and number of benefits received stood in stark contrast to those councillors in neighbouring boroughs.

In response to these claims, Robert Davis referred himself to the council's monitoring officer to examine whether there had been any breaches of the council's code of conduct, criminal conduct, or activity that would be inappropriate and damaging to the council's reputation.<sup>69</sup> After an initial review by the council's monitoring officer, who considered the matter worth examining in more detail, the council appointed an independent investigator to carry out a full inquiry. In their conclusions, the independent investigator recommended to the monitoring officer to refer the matter to the council's standards committee to consider whether Robert Davis had breached two parts of the authority's code of conduct:

*2.2. Not to place themselves under a financial or other obligation to any individual or organisation that might seek to influence them in the performance of their official duties.*

*2.10 To promote and support high standards of conduct through leadership and by example.*

In May 2018, Westminster council invited the PAS to produce a separate report for its cabinet on the authority's development management processes, which specifically included the issue of hospitality within its scope.<sup>70</sup> This report was submitted to the cabinet in September 2018, which recommended that Westminster needed to 'fundamentally re-think its stance on hospitality' and put more emphasis on '[councillors] questioning upfront what value accepting offers of hospitality or attending events will add to the decision making processes'.<sup>71</sup>

In October 2018, before the independent investigator sent their final report on potential misconduct to the monitoring officer, the leader of the council announced that Robert Davis had stepped down from his role.<sup>72</sup>

The council's standards committee discussed the issue at a meeting in December 2018. Since then, the council has amended its code of conduct to ask councillors to consider whether accepting gifts and hospitality could give rise to the perception of impropriety. However, it could go further, especially when addressing when they are offered to those making planning decisions.<sup>73</sup>

In the LGA/PAS guide *Probity in Planning*, it recommends that:

*'Councillors and officers should be cautious about accepting gifts and hospitality in general and especially where offered by lobbyists.'*<sup>74</sup>

Nineteen out of our sample of 50 local authorities reflect this guidance in either their codes of conduct, planning protocols or guidelines on gifts and hospitality.

<sup>68</sup> <https://www.theguardian.com/society/2018/mar/08/westminster-deputy-leader-took-gifts-in-50-of-his-planning-cases> [Accessed 31 May 2018]

<sup>69</sup> Westminster City Council Standards Committee, *Investigation Report re. Cllr Davis* (October 2018) p.2 [https://www.westminster.gov.uk/sites/default/files/cllr\\_davis\\_report\\_bundle.pdf](https://www.westminster.gov.uk/sites/default/files/cllr_davis_report_bundle.pdf)

<sup>70</sup> Westminster City Council, *Development Management Decision Making & Committee Review: Feedback Report* (September 2018) <https://committees.westminster.gov.uk/documents/s29551/Appendix%201%20-%20Planning%20Advisory%20Service%20Report%20-%20Development%20Management%20Decision%20Making%20and%20Committee.pdf>

<sup>71</sup> Westminster City Council, *Development Management Decision Making & Committee Review* p.13

<sup>72</sup> City of Westminster, *Statement from the Leader* <https://www.westminster.gov.uk/statement-from-leader> [Accessed 21 March 2019]

<sup>73</sup> Westminster City Council, *Ethical Governance: Members Code of Conduct*, paragraph 29.11(4) <https://committees.westminster.gov.uk/documents/s36788/Ethical%20Governance%20-%20Members%20CoC.pdf>

<sup>74</sup> LGA/PAS, *Probity in Planning* p.14

## Five cities' gifts and hospitality review

In March 2020, we assessed gifts and hospitality registers in a sample of five other major UK cities outside of London: Birmingham, Manchester, Newcastle, Sheffield, and Liverpool. This examined gifts and hospitality records of planning committee members, cabinet members with responsibility for planning and housing, and council leaders, covering 78 councillors in total and data going back as far as 10 years. Ideally, the analysis would have covered councillors in planning positions over the last 10 years to provide an overview as to whether there had been changes over time, especially since the introduction of the Localism Act 2011. However, none of the authorities we examined had publicly available archives of this information on their websites, so our analysis was limited to those in post at the time of our research.

Only two of the authorities (Liverpool and Birmingham) had a reporting threshold the same as or lower than Westminster, where the overwhelming majority of gifts and hospitality were reported in London, and many did not require councillors to report the exact or estimated value of the gifts and hospitality received. As is the case with local authorities in London, we could only review what was reported by councillors who had planning responsibilities at the time of our research, so those holding these positions before then are not included in analysis. Therefore, it is difficult to make any direct comparison between these five local authorities and those in the capital. However, there are some tentative conclusions we can make.

While the number of gifts and hospitality reported by councillors involved in planning is not insubstantial in the five cities outside of London, far less appear to be from developers than in the capital. The majority of councillors (43 out of 78) we looked at in these five local authorities did not record any gifts and hospitality at all. In total, there were only 426 gifts and hospitality reported by these councillors over the past 10 years, with 36 (8 per cent) from a source that could reasonably be thought to be related to property development. We cannot provide a total value for these gifts and hospitality because this was often not reported.

This would suggest that it is not common practice for those involved in planning decisions outside of London to accept gifts and hospitality from those with an interest in current or future planning decisions. However, the absence of more accessible and comparable data makes this a very tentative finding and more research needs to be done

to confirm whether or not this is the case. What is certain, though, is that the current way in which councils publish this information is not compliant with modern transparency standards, and inhibits more meaningful analysis of corruption risks.



### Case study Bribery allegations at Tower Hamlets

According to documents released by Tower Hamlets council,<sup>75</sup> in November 2015 the borough's elected Mayor was informed of allegations of bribery connected with the planning application for Alpha Square – a mixed-use development proposed for the Isle of Dogs that is estimated to cost £210 million and backed by the Far Eastern Consortium International (FECI).<sup>76</sup> After an internal investigation and seeking legal advice from a specialist QC, the local authority's chief executive reported these allegations to the SFO on 4 August 2016, who then referred the matter to the National Crime Agency (NCA).

When asked for an update by the council, the NCA stated it would be inappropriate to comment further on the case. However, in December 2017, a tape leaked to a Sunday newspaper revealed that a local businessman, Abdul Shukur Khalisadar, with close ties to the Labour Party, had solicited funds from FECI to help secure planning consent for the development.<sup>77</sup> In a contract to FECI, Mr Khalisadar is alleged to have claimed he would 'deliver planning approval' at a premium of '£2,000,000', which would be distributed to four Labour politicians. As of the time this report was published, there has been no further announcement regarding this case. Abdul Shukur Khalisadar has denied any wrongdoing.<sup>78</sup>

<sup>75</sup> Tower Hamlets Borough Council, *Non-Executive Report of the: Standards (Advisory) Committee* (25 January 2018) <https://democracy.towerhamlets.gov.uk/documents/s120253/Alpha%20Square%20-%20Bribery%20Allegations.pdf>

<sup>76</sup> <http://www.pilbrowandpartners.com/work/alpha-square/> [Accessed 14 November 2018]

<sup>77</sup> <https://www.dailymail.co.uk/news/article-5164505/NCA-called-2m-property-planning-bribe-allegations.html> [Accessed 14 November 2018]

<sup>78</sup> <https://www.dailymail.co.uk/news/article-5164505/NCA-called-2m-property-planning-bribe-allegations.html> [Accessed 23 June 2020]

## Safeguards

### Lobbying transparency

Providing transparency over lobbying is an internationally-recognised measure to protect against perceived or actual corruption in public office.<sup>79</sup> While there are no legal requirements to publish the details of who is trying to lobby councillors during the planning process, doing so is a way to reduce the perception or reality of members' discretion being fettered. In its guidance on probity in the planning process, the LGA/PAS recommends councillors should ensure that when meeting planning applicants:

- council officers are always present
- notes are taken of discussions
- these notes should be placed on file as a matter of public record<sup>80</sup>

Although there may be practical challenges when doing so – for example, when meetings include commercially confidential information – this should not inhibit the disclosure of key information about the discussion. Some councils go further, such as Portsmouth. It requires written notes of telephone conversations between councillors and developers be kept on the planning file, not just face-to-face meetings.<sup>81</sup> Therefore, it is at least feasible for local authorities to follow our recommended guidelines as a minimum.

### Managing gifts and hospitality

Decision-makers accepting significant amounts of gifts and hospitality (by either volume or value) can lead to the perception, if not the reality, of undue influence over planning decisions. The Westminster City Council case study evidences the reputational risk of doing so, although fewer engagements worth less in value can still have a detrimental impact on public confidence. To mitigate these risks, we think there should be transparency over gifts and hospitality to all councillors, as recommended by the CSPL,<sup>82</sup> and greater restrictions on those given important decision-making responsibilities in the planning process.

Currently, there is no statutory requirement for all

councillors to report gifts and hospitality they receive. Councils may include this within their local codes of conduct and planning protocols; however, unlike Scotland,<sup>83</sup> Wales<sup>84</sup> and Northern Ireland,<sup>85</sup> it is not mandatory. Before the Localism Act 2011, councillors needed to report any gifts and hospitality they received over £25.<sup>86</sup>

As recommended by the LGA/PAS guidance and required of councillors in the other parts of the UK, councillors should have to report any gifts and hospitality they do receive and accept concerning their role as an elected official. Feasibly, there are instances where a councillor may receive a benefit because of their position and it would not fall foul of the proposed prohibition above. For example, they may receive a meal at a networking event with developers, and it would not be reasonable to perceive this as an attempt to influence the councillor's decisions on a particular planning application. Nevertheless, having this information in the public domain defends against the speculation that may arise from a lack of reporting.

As recommended by the CSPL, we think councillors should at least have to report gifts and hospitality over a value of £50 or totalling £100 over a year from a single source.<sup>87</sup> This is proportionate and aligns broadly with the existing donation reporting requirements for those seeking election as a councillor. We recognise that some might consider £50 too high still; however, we think it strikes a reasonable balance between disclosing gifts of an individual or cumulative importance, and the need to impose proportionate reporting burdens on those who are often undertaking part-time roles as councillors.

We also agree with CSPL that these registers should be published in a more accessible format, like CSV, which can be opened in Excel, to allow for faster and easier analysis of these interests within and across local authorities.<sup>88</sup> As an anti-evasion provision, we also propose that this applies to gifts received by family members and close associates of councillors when it is given in relation to their role as an elected official. Similar requirements exist for councillors in Scotland.<sup>89</sup>

The LGA/PAS guidance on probity in planning recommends that councillors involved in decisions should not accept over-frequent or over-generous hospitality,

<sup>79</sup> <http://lobbyingtransparency.net/> [Accessed 12 September 2018]

<sup>80</sup> LGA/PAS, *Probity in Planning* p.16

<sup>81</sup> Portsmouth Council, *Code of Conduct in Respect of Councillors and Planning Applications* p.4

<sup>82</sup> CSPL, *Local Government Ethical Standards* p.47

<sup>83</sup> Scottish Government, *Code of Conduct for Councillors* p.13 paragraph 4.22

<sup>84</sup> *The Local Authorities (Model Code of Conduct) (Wales) Order 2008*, Schedule paragraph 17 <https://www.legislation.gov.uk/wsi/2008/788/schedule/made>

<sup>85</sup> Department of the Environment, *The Northern Ireland Local Government Code of Conduct for Councillors* p.12 paragraph 4.20

<sup>86</sup> *The Local Authorities (Model Code of Conduct) Order 2007*, Schedule paragraph 8(1)(viii) <https://www.legislation.gov.uk/uksi/2007/1159/schedule/made>

<sup>87</sup> CSPL, *Local Government Ethical Standards* p.47

<sup>88</sup> CSPL, *Local Government Ethical Standards* p.48

<sup>89</sup> Scottish Government, *Code of Conduct for Councillors* paragraph 3.9

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especially from the same organisation and where it presents a potential conflict of interest.<sup>90</sup> It also advises caution on accepting gifts, and that councillors generally should seek advice on whether to accept or reject them or not from their monitoring officer.

Despite some slight differences in drafting, the codes of conduct for councillors in Scotland,<sup>91</sup> Wales<sup>92</sup> and Northern Ireland<sup>93</sup> prohibit accepting gifts and hospitality that:

- could give rise to real or substantive personal gain, or
- a reasonable suspicion of influence on your part to show favour or advantage to any individual or organisation.

This approach is more comprehensive, including both gifts and hospitality. It also defines the scope of the ban on the potential impact accepting the gifts and hospitality may have instead of trying to prescribe what could be inappropriate. We think local authorities across England should adopt this broad and flexible approach to prohibiting gifts and hospitality that could bring into question the integrity of a decision. As a minimum, we think this should apply to those directly involved in planning decisions, although see an argument for extending it to all councillors.

On the supply side, we think there is also a role for the lobbying industry to manage proactively the risks around gifts and hospitality to councillors. The PAB, the body overseeing compliance with a large number of the major lobbying firms working on planning issues, has a professional charter<sup>94</sup> and code of conduct<sup>95</sup> outlining the behaviour expected of its members. Preferably, both these documents and any associated guidance should address these risks too.

## Standards assessment findings

### Lobbying transparency

Our standards assessment of 50 local authorities in England found that there was a wide variety of practice among councils when it came to managing corruption risks in external engagement:

- 15 (30 per cent) stated council officers must always be present in pre-application discussions between

members involved in planning decisions and developers, or a record of the discussion forwarded to an officer of the council if they cannot be present.

- 22 (44 per cent) required that notes be taken of these meetings.
- Six (12 per cent) required that these notes be placed on file as a matter of public record.
- Only two local authorities (4 per cent) within our sample explicitly required all three of these (an officer being present, notes taken, and notes published) when engaging developers and their agents.

### Gifts and hospitality

Only 13 (26 per cent) authorities had any ban on decision-makers in planning decisions accepting gifts and hospitality. However, 15 (30 per cent) did strongly advise against doing so. Worryingly, 24 (48 per cent) of those who performed poorly when it came to providing transparency over meetings with developers also had lax controls over gifts and hospitality to decision-makers; for example, providing no advice or ban on gifts or hospitality to those involved in planning judgements.

There are varying reporting thresholds for gifts and hospitality given to councillors across the UK, making it difficult to understand how much is being received and who is providing it. Six authorities we assessed (12 per cent) had a reporting threshold of £100, four (8 per cent) of which failed to account for multiple gifts accumulating £100 from a given source. This means thousands of pounds in gifts and hospitality could be received without being reported publicly. Worse yet, five other authorities (10 per cent) did not even require councillors to register gifts and hospitality.

Conversely, 24 (48 per cent) authorities had a threshold ranging from £20 to £35 (19 had £25 as a reporting threshold).

Only a very small number of local authorities (three) who did require councillors to report gifts and hospitality also required council members to report anything given to their close associates that could relate to their position in elective office.

The current gifts and hospitality registers are not fit for purpose. They are often very difficult to find, seemingly

<sup>90</sup> LGA/PAS, *Probity in Planning* p.14

<sup>91</sup> Scottish Government, *Code of Conduct for Councillors* p.8 paragraph 3.9

<sup>92</sup> The Local Authorities (Model Code of Conduct) (Wales) Order 2008, Schedule paragraph 9(b)

<sup>93</sup> Department of the Environment, *The Northern Ireland Local Government Code of Conduct for Councillors* p.12 paragraph 4.20

<sup>94</sup> PRCA, *PRCA Professional Charter* <https://www.prca.org.uk/sites/default/files/downloads/PRCA%20Codes%20of%20Conduct%20-%2028th%20Feb%202019.pdf>

<sup>95</sup> PAB, *Public Affairs Code* <https://www.prca.org.uk/sites/default/files/Public%20Affairs%20Code%20PDF.pdf>

contain incomplete data and require a lot of manual data entry and cleansing before they can be analysed. Additionally, 10 authorities (20 per cent) did not publish gifts and hospitality registers at all.

Interestingly, seven local authorities (14 per cent) where we identified major corruption cases in the past five years scored poorly in our standards assessment when it came to managing the risks associated with engaging external stakeholders. All of their cases involved either alleged bribery, excessive gifts and hospitality, or issues relating to opaque lobbying. Had these local authorities complied with good practice recommendations they could have avoided adverse publicity.

### Lobbying industry rules on gifts and hospitality

Although the PAB's code of conduct specifically draws members' attention towards the Bribery Act 2010, it does not contain anything on gifts and hospitality.<sup>96</sup> The code is also quiet on how to engage elected officials openly and transparently. Given these are key areas where issues have arisen in the past there is scope for the lobbying industry to proactively address these risks in the future.

## Recommendations

**Recommendation 1: Minute and publish all meetings with developers and their agents for major developments.** To help provide greater confidence in interactions with those seeking planning consent, councils should ensure all meetings between councillors, developers and their agents in major planning decisions are:

- attended by at least one council official,
- recorded in detailed notes, and
- published online with the planning application file.

**Recommendation 2: Prohibit those involved in making planning decisions from accepting gifts and hospitality that risk undermining the integrity of the planning process.** To help prevent the perception of undue influence over planning decisions, councillors should be prohibited from accepting any gifts and hospitality that could give rise to:

- real or substantive personal gain; or
- reasonable suspicion of favour or advantage being sought.

**Recommendation 3: Increase transparency over gifts and hospitality.** To help present a clear and consistent view of corruption risks across local government, local authorities should be required by law to establish a register of gifts and hospitality.

This should apply to all gifts and hospitality over a value of £50, or totalling £100 over a year from a single source. This should apply to anything received by all councillors, their family members, or associates that could reasonably be regarded as received in relation to the councillor's role as an elected official.

We support the CSPL's recommendation that local authorities should publish registers of gifts and hospitality as structured open data – for example, a CSV format that can be opened in an Excel spreadsheet – and maintain them in a central location on their websites.

### Recommendation 4: Stronger leadership from the industry on ethical lobbying

The PAB should include explicit provisions within the public affairs code to:

- Require members to conduct engagements with elected or public officials openly and transparently.
- Prohibit members giving any gifts and hospitality to elected or public officials that could give rise to a real or substantive personal gain; or a reasonable suspicion of favour or advantage being sought.

# MANAGING PRIVATE INTERESTS



## Risk: Conflict of interest

Conflicts of interest occur where a holder of public office is confronted with choosing between the duties and demands of their position and their private interests. This can involve direct conflicts of interests, where councillors are deciding on a planning application that they have a stake in, such as part ownership over the property or development in question. It can also involve conflicts of interest that are more indirect; for example, where a development they are considering may affect a family member, friend or close associate, or where they think the decision they make may curry favour with a prospective future employer (see also *abuse of the revolving door* below).

In our initial case study analysis, we identified four cases where questions were raised about potential or real conflicts of interest held by councillors involved in planning decisions. As a result of these cases, there has been one criminal investigation by police, which is currently subject to review,<sup>97</sup> and at least two judicial reviews of planning decisions.<sup>98</sup> In particular, some lobbying firms employ current councillors, especially those involved in making planning decisions. Although some of these firms explicitly state they only take work that would not present a direct conflict of interest for those councillors they employ – for example, working for a client seeking planning permission in the same local authority as their employee – arguably a more indirect conflict of interest remains. The scandal surrounding Indigo Public Affairs (below) is a case in point.



### Case study

#### Indigo Public Affairs

An investigation by *The Telegraph* from 2013 shows how conflicts of interest can distort the planning process. The investigation featured Indigo Public Affairs, which specialised in major regeneration projects and has now been renamed Thorncliffe.

According to Greg Stone – a Liberal Democrat councillor employed by Indigo at the time of *the Telegraph's* investigation – his firm used a range of lobbying tactics to secure planning consent for their clients.<sup>109</sup> He explained that his PR firm employs numerous former or present councillors at any given time and that if other councillors refused to talk to lobbyists about a particular planning permission certain 'tricks of the trade' could be used to get around this.<sup>109</sup> For example, he claimed he could use his contacts to try and replace difficult councillors on

local authority's planning committee with more agreeable ones to help secure planning permission for a developer client.<sup>110</sup>

*The Telegraph* also spoke to David Archer, a Conservative Party councillor and planning consultant based in Surrey, who described how sitting on the council's planning committee was an advantage: 'I know who the tree huggers are, I know who the thick idiots are, I know, most, most things, I can write the minutes for a [Council] meeting before I, before I go in...'. This investigation showed how a councillors' knowledge of the planning process could be used to influence other members of a planning committee in favour of a developer even if they were prohibited from attending the planning meeting themselves.<sup>111</sup>

97 <https://www.bournemouthcho.co.uk/news/17615900.independent-review-will-examine-dorset-polices-criminal-investigation-into-former-council-leader/> [Accessed 9 April 2020]

98 <https://www.kentonline.co.uk/folkstone/news/council-in-high-court-again-over-insane-planning-decision-191255/> [Accessed 9 April 2020]

99 <https://www.telegraph.co.uk/news/uknews/9921399/councillors-for-hire-how-it-works.html> [Accessed 18 May 2018]

100 <https://www.telegraph.co.uk/news/politics/9921008/councillor-explains-tricks-of-the-trade-for-planning-approval.html> [Accessed 18 May 2018]

101 [http://www.thenorthernecho.co.uk/news/10281547.councillor\\_denies\\_wrongdoing\\_over\\_lobbying\\_involvement/](http://www.thenorthernecho.co.uk/news/10281547.councillor_denies_wrongdoing_over_lobbying_involvement/) [Accessed 18 May 2018]

102 <https://www.telegraph.co.uk/news/politics/9920986/Surrey-councillor-and-planning-consultant-They-call-me-Mr-Esher.html> [Accessed 18 May 2018]

To understand how prevalent situations like this might be across England, we conducted a brief search for councillors also working for firms specialising in planning and development matters. This was by no means comprehensive and relied on open-source material, including reviewing the membership of the planning committees of the 50 local authorities within our standards assessment.

With this limited search, we identified 72 sitting councillors across 50 local authorities who are, or used to be, employed by companies working in the housing and/or planning industry whilst they were holding public office. And 32 (43 per cent) of these across 24 councils hold critical decision-making positions in their local planning system; for example, as members of a planning committee or an executive position with housing responsibilities. The majority of these 72 work for PR firms that specialise in planning, whereas 10 work for property consultancies, construction companies, chartered surveyors etc.

Some of the most notable PR firms in this industry employ multiple councillors. For example, Cratus Communications, an organisation of 23 practitioners and a clientele of more than 40 developers, has three current and three former employees within the last two years who are sitting councillors.<sup>103</sup> Although Cratus Communications is a member of the PAB, the self-regulatory body for the lobbying industry, none of the current councillors it employs has declared their position of elective office on PAB's register of lobbyists despite it being a requirement. This includes one of their directors, Duncan Flynn, who is also the Vice-Chairman of the Northern Planning Committee for Hillingdon council.<sup>104</sup>

Curtin&Co is another firm with more than 60 developers as clients and five councillors working for them.<sup>105</sup> One of them is Sachin Shah, the former council leader for Harrow who currently sits on the local authority's planning committee.<sup>106</sup> He is the Head of Local Government at Curtin&Co, but this employment is not published on his council register of interests.<sup>107</sup>

We do not have enough evidence to suggest yet that this issue occurs in every local authority, and we recognise that as a proportion of all councillors these numbers are relatively low. However, this data was collected as a convenience sample, so is only an indicative picture of the scale of the issue, and it is clear that there are many councillors entrusted with important decision-making responsibilities who undoubtedly hold conflicts of interest

due to their outside employment. If local authorities do not have adequate policies and tools in place to manage these conflicts of interest, and enforce them properly, then the risk of local government planning decisions being distorted by those with vested interests is high.



## Risk: Abuse of the revolving door

The term 'revolving door' refers to the movement of individuals between positions of public office and jobs in the private sector, in either direction. Moving through the revolving door can be beneficial to both sides, improving understanding and communication between public officials and business. However, it can also undermine trust in government, because of the potential for conflicts of interest.

In this research, we have focused on the movement of councillors between elective office and developers and those who help secure planning permission for developers. Conflicts of interest related to the revolving door in a planning context could include:

- Councillors being overly sympathetic to developers who were previous clients.
- Councillors favouring a certain company, to ingratiate themselves and gain future employment.
- Former councillors seeking to influence their former colleagues to make decisions in a way that favours their new employer.
- Former councillors using confidential information to benefit their new employers – for example, during the planning process.

To understand the potential scale of the revolving door risk, we used the same data collected for our analysis of potential conflicts of interest (see *conflicts of interest* from page 23). From this data, we were able to map the movement of councillors between public and private office relating to planning decisions over the past five years. We looked out for councillors that:

1. Went to work for a PR firm providing a specific planning service within two years of leaving office – a period deemed highly sensitive by central

<sup>103</sup> <https://register.prca.org.uk/register/current-register/> [Accessed 25 March 2020]

<sup>104</sup> <https://modgov.hillingdon.gov.uk/mgCommitteeDetails.aspx?ID=116> [Accessed 25 March 2020]

<sup>105</sup> <https://register.prca.org.uk/register/current-register/> [Accessed 25 March 2020]

<sup>106</sup> <https://www2.harrow.gov.uk/mgCommitteeDetails.aspx?ID=1001> [Accessed 25 March 2020]

<sup>107</sup> <https://www2.harrow.gov.uk/mgDeclarationSubmission.aspx?UID=10295&HID=2019&FID=0&HPID=147694782> [Accessed 25 March 2020]

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government rules on the revolving door (i.e. 'revolving out').<sup>108</sup>

2. Became a councillor while working for a PR firm providing a specific planning service (i.e. 'revolving in').
3. Went to work for a PR firm providing a specific planning service while they were in office and continued working for the firm after leaving public office (i.e. 'half in, half out' of the revolving door).

Our research found at least:

- 120 councillors moving between public office and private employment in the planning sector covering 75 local authorities over the past ten years.
- 17 councillors across 50 local authorities already worked for PR firms with a planning function before being elected to public office. A substantial number of these then went on to hold responsibilities relating to this area of work; for example, sitting on planning committees or being given cabinet responsibility for planning and regeneration.
- 72 of these 120 either changed jobs to work for a new PR firm with planning services during their tenure in public office, or joined a company providing these services for the first time whilst they were a councillor.
- 57 of these 120 councillors went to work for planning firms after leaving public office, and 19 of these 57 did so within two years of leaving public office.
- Over half (64) of these councillors were elected to local authorities in London.
- Westminster (8), Southwark (7) and Lambeth (6) had the most councillors moving in and out of the revolving door during this period.

## Safeguards

There are three main ways to help prevent conflicts of interest adversely affecting the decisions of elected officials.

## Managing financial interests

Under the Localism Act 2011, councillors in England are required by law to declare any 'pecuniary interest'<sup>109</sup> within 28 days of taking office or, if it has not been already reported, to disclose it at any meeting where it is relevant and report it to the local authority's monitoring officer within 28 days. Failure to comply with this requirement is currently a criminal offence. The council's monitoring officer is required to maintain a register of councillors' interests, which must be publicly available on the authority's website. As with our recommendation regarding the publication of gifts and hospitality (see above), we think these registers of interests should be published in CSV format that can be opened in an Excel spreadsheet – and maintained in a central location on councils' websites.

As mentioned above on page 8, councillors must report any financial interests they hold and remove themselves from any debate that directly relates to these interests. However, as noted by the CSPL in their review of ethical standards in local government, these requirements are too narrow; for example, they do not cover the interests held by a councillor's close family member or associate that might relate to the decision under consideration. This is an obvious loophole that should be addressed. We agree with their proposal to broaden the scope of the current rules so that it presents an objective test as to whether related financial interests may affect a councillor's decision.<sup>110</sup>

## Managing conflicts of interest with current outside employment

There is no England-wide prohibition in statute or code that prohibits councillors holding jobs that could provide a perceived or real conflict of interest between their public and private roles; for example, acting as an advisor or public relations consultant for firms seeking planning applications at either their or another local authority. The LGA/PAS guidance on probity in planning decisions advises against councillors acting as agents for those seeking permission to develop within the same authority, yet this is not binding.<sup>111</sup> The current way to manage these conflicts is by excluding councillors from proceedings, yet this does not address the issue of members providing advice on how to influence the planning process or seeking alternative routes to affect decisions, as illustrated by the case study on page 23.

We think there should be a ban on councillors lobbying

<sup>108</sup> UK Government ministers and senior civil servants are required to seek advice on new jobs from the Advisory Committee on Business Appointments during these two years post-office. See the *Ministerial Code* <https://www.gov.uk/government/publications/ministerial-code> and *Civil Service Management Code* for more details <https://www.gov.uk/government/publications/civil-servants-terms-and-conditions> [Accessed 19 May 2020]

<sup>109</sup> These are interests that could present a conflict between their public and private interests and are defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 <https://www.legislation.gov.uk/uksi/2012/1464/contents/made>

<sup>110</sup> CSPL, *Local Government Ethical Standards* p.51

<sup>111</sup> LGA/PAS, *Probity in Planning* p.8

councils and councillors, or providing advice on influencing the planning process. Prohibiting elected officials from holding these outside positions that could present a potential conflict of interest is not a new or novel approach. The House of Lords,<sup>112</sup> National Assembly for Wales<sup>113</sup> and Scottish Parliament<sup>114</sup> all prohibit their members from undertaking external advisory work that relates to their official duties. The CSPL recommended in 2018 that similar provisions also be applied to members of the UK Parliament.<sup>115</sup> All of these other public bodies contain some form of ban on lobbying public officials in return for remuneration.

There may be instances where councillors are not advising or lobbying on behalf of private clients to influence a decision, yet they are retained by a developer to provide other services – such as public relations management – which could give the impression they are ‘on the side’ of those seeking planning applications. Where this is the case in other elected bodies, such as the House of Commons, it is a requirement for representatives to declare the details of any clients they have as a matter of public record.<sup>116</sup> Although these forms of employment do not present a direct conflict of interest, making them transparent allows the public to consider whether they present a cause for concern.

In addition to mandatory reporting requirements and controls on outside employment in local authorities, there is also a role for the lobbying industry in mitigating the risk of conflicts of interest. The lobbying industry already prohibits its members from employing those elected to the UK Parliament, Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly, and London Assembly;<sup>117</sup> however, it does not do the same for other local authorities. Including local authorities within the scope of this ban does not need to wait until any statutory prohibition is forthcoming.

Ideally, elected officials would be prohibited from outside employment that involves lobbying, or advising on lobbying, those in public office. Until then, lobbying firms should declare when they employ someone in elected office so there is transparency over this potential conflict of interest. The PAB already requires councillors to declare their position of elected office in the industry body’s register of lobbyists.<sup>118</sup> However, more needs to be done to ensure this is complied with in practice, and it is well within the lobbying industry’s power to prohibit its

members from employing current councillors, as it does for other positions of public office in the UK.

## Managing the revolving door

Conventional mechanisms for protecting against abuse of the revolving door in national politics and administration – such as mandatory ‘cooling-off’ periods where public officials cannot go to work for a company related to their past policy area within a certain timeframe – do not translate neatly into a local government context. Councillors often only work part-time in their public role and have outside employment throughout their tenure, and there is no clear legal basis for councils to prevent former councillors from lobbying former colleagues after leaving public office. However, councils can adopt measures to reduce the risks of abuse without a need for legislative change.

**Advice and guidance:** many local authorities have mandatory training for incoming councillors, with specific sessions on probity for those sitting on planning committees. This training should incorporate a segment on the risk of abuse of the revolving door, with monitoring officers providing ad hoc advice to councillors on specific scenarios during their tenure. Some councils are already adopting a similar approach.<sup>119</sup>

**Restrictions on positions of public office:** it seems inappropriate that those working for developers should hold positions of public office involving decisions that could affect past or present clients. At the very least this gives rise to the perception that their decisions will be more favourable to developers, and at worst their position of entrusted power could be abused for the benefit of their clients at the expense of residents. Therefore, local authorities should not allow those advising or advocating for planning decisions, whether currently or in the recent past (for example, within two years of taking office) from being entrusted with positions relating to that sector, such as membership of planning committees or cabinet positions with this remit.

**Reporting offers of future employment:** we have seen some encouraging examples where local authorities are already considering the potential issues surrounding councillors moving into new jobs that might present a conflict of interest. For example, Newcastle City Council

<sup>112</sup> UK Parliament, *Guide to the House of Lords Code of Conduct* (July 2019) paragraph 19 <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards/-code-of-conduct-for-the-house-of-lords/guide-to-the-code-of-conduct/>

<sup>113</sup> National Assembly for Wales, *Code of Conduct* (May 2016) Section 2.5(4) <http://www.assembly.wales/en/memhome/code-conduct-mem/Pages/guidance-lobbying.aspx>.

<sup>114</sup> Scottish Parliament, *Code of Conduct* (August 2017) Section 5(7) <http://www.parliament.scot/Parliamentaryprocedureandguidance/CCEd07201708.pdf>.

<sup>115</sup> CSPL, *MPs’ Outside Interests* p.59

<sup>116</sup> House of Commons, *The Guide to the Rules relating to the Conduct of Members* (October 2019) p.16 paragraph 9(c) <https://publications.parliament.uk/pa/cm201719/cmcode/1882/1882.pdf>

<sup>117</sup> PAB, *Public Affairs Code* p.2 paragraph 8

<sup>118</sup> PRCA, *PRCA Professional Charter* p.2 paragraph 2.5

<sup>119</sup> <http://democracy.camden.gov.uk/ie/ListDocuments.aspx?CId=146&Mid=7243&Ver=4> [Accessed 19 March 2020]

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requires members to report any job offers to their monitoring officer.<sup>120</sup> This approach can be replicated by other local authorities, even if information about the prospective employer is not published until after the offer has been accepted for reasons of confidentiality.

## Standards assessment findings

### Financial interests transparency

Making information about councillors' financial interests available in the public domain allows residents and others to monitor whether elected officials are involved in decisions that provide a potential, perceived or real conflict of interests. However, during our research, we identified three issues that provide obstacles to this scrutiny.

- **Format of the registers:** all of the registers we evaluated were published as PDF documents, which are hard to collect and analyse on scale. This kind of macro analysis of risk is useful for identifying if there could be widespread conflicts of interest across a particular authority or multiple authorities.
- **Accessibility of the registers:** most of the registers we examined were held in obscure parts of councils' websites, which were more accessible via Google than via their site menus.
- **Versions of the registers:** most of the registers only related to sitting councillors and did not appear to contain any historical records that might be of relevance to investigations into past potential misconduct.

In our standards assessment of 50 local authorities, none published councillors' financial interests following good practice standards. Most documents were either published in PDF documents or as HTML on the councils' website, which matches the CSPL's findings. We did not measure the timeliness of the publication of these disclosures, but the CSPL noted many of the registers of interests it reviewed were out of date.<sup>121</sup>

### Managing conflicts of interests

Due to the methodological and resource challenges associated with the task, we did not investigate compliance with the statutory requirement for councillors to withdraw themselves from proceedings if they hold a conflict of interest. However, we did review how councils seek to manage the relationship between councillors'

outside employment and their elected role.

Just four (8 per cent) local authorities in our sample stopped all councillors from acting as agents in the planning process, whereas seven (14 per cent) others discouraged it.

Not one council in our sample explicitly stopped or discouraged councillors from providing paid advice on how to influence local authorities' planning decisions. This means that, even for councils that prohibit lobbying on planning decisions within their purview, a councillor is free to advise paying clients on how to influence planning decisions elsewhere – an activity that is banned in most of the parliaments and assemblies in the UK.

### Managing the revolving door

There are no statutory controls on the movement of councillors from public office to the private sector. However, local authorities can define restrictions in their constitutions, policies and any guidelines they provide to staff or other councillors who engage with former elected officials.

Only four councils (8 per cent) showed some form of recognition and attempt to address the conflicts of interest that may arise when councillors move between public and private office.

We also reviewed how many councillors complied with the industry code, which requires them to declare if they are a councillor on the voluntary lobbying register. Only 17 out of the 58 we identified have reported themselves as councillors.

## Recommendations

### Recommendation 5: Better manage financial interests.

To help improve the management of potential conflicts of interest, we support the CSPL's recommendations that:

- Councils should publish registers of financial interests as structured open data – for example, a CSV format that can be opened in an Excel spreadsheet – and maintain them in a central location on their websites.<sup>122</sup>
- Section 31 of the Localism Act is repealed and replaced with a new requirement for councillors to remove themselves from decisions where there it can reasonably be regarded that they hold a

<sup>120</sup> Newcastle City Council, *The Newcastle Charter* <https://www.newcastle.gov.uk/sites/default/files/local-government/newcastle-charter/Part%205%204K%20-%20Employment%20Offers%20Protocol.pdf> [Accessed 25 March 2020]

<sup>121</sup> CSPL, *Local Government Ethical Standards* p.47

<sup>122</sup> CSPL, *Local Government Ethical Standards* p.48

significant conflict of interest that could prejudice their judgement.<sup>123</sup>

**Recommendation 6: Prohibit all councillors from undertaking lobbying or advisory work relating to their duties on behalf of clients.** To help provide confidence that councillors are working in the public interest, members should be prohibited from:

- lobbying councils on behalf of paying clients, and
- providing paid advice on how to influence councils.

The PAB should also amend its code of conduct to, as soon as reasonably practicable, prohibit its members from employing sitting councillors, as it does for other forms of elective office.

**Recommendation 7: Manage the revolving door between the elective office and private business.** To help reduce the risk of councillors abusing their movement between public and private office, local authorities should:

- Provide advice, guidance and training to those involved in making decisions on planning applications about the risks involved.
- Prohibit those who have recently worked as lobbyists for developers, or for developers seeking planning permission (for example within the prior two years), from sitting on planning committees or receiving executive responsibilities relating to planning.
- Require councillors to report any offers of employment to their monitoring officer, including details of any interaction they have had with their prospective employer.

# REGULATING COUNCILLORS' CONDUCT



## Risk: Weak oversight

Having robust oversight mechanisms provides a defence against abuses of power. This includes educating those in positions of authority as to the ethical standards expected of them. It also requires an independent enforcement body empowered with a strong set of sanctions to deter against those knowingly or recklessly seeking to defy these rules. Weak oversight, especially when combined with poor codes of conduct and decisions with lots of money at stake, almost encourages misconduct.

## Safeguards

In England, the Localism Act 2011 sets a threadbare framework for ethical standards, which requires councils to maintain a code of conduct consistent with the Nolan Principles. It contains limited statutory sanctions for misconduct, which are confined to failures to comply with the requirements for disclosing financial interests. Local authorities are left to define in more detail the conduct expected of their members, and the sanctions for breaches of these rules. There are also no statutory requirements for local authorities to adopt specific policies or procedures for ensuring probity in the planning process, although many do through protocols.

There is also very little prescription in the law as to how local authorities secure compliance with the codes of conduct they do adopt. The role for investigating alleged breaches of the rules is reserved for the monitoring officer,<sup>124</sup> and there is a statutory role for an 'independent person', who must be consulted before local authorities decide after the conclusion of an investigation into an alleged breach of their code of conduct.<sup>125</sup> Many local authorities have a standards committee responsible for determining sanctions and supporting councillors' compliance with the code of conduct. However, since the Localism Act 2011, it is no longer compulsory for councils to maintain a standards committee.<sup>126</sup>

We think that local authorities should have three key elements in place to help reduce the likelihood of

misconduct in the planning process by councillors:<sup>127</sup>

### 1. Clear advice, guidance and protocols

Given the often complex and sensitive nature of planning decisions, it seems prudent for local authorities to adopt specific protocols governing councillors' conduct in the planning process. Mandatory training should support this and accessible guidance would help those empowered with these decisions understand the boundaries between acceptable and unacceptable conduct. Where there are suspected breaches of a local authority's code, there should be a clear process for assessing and progressing allegations, which protects against malicious, politically-motivated and unfounded complaints.

### 2. Meaningful sanctions

Providing a credible deterrent against wilful or reckless misconduct requires robust and proportionate sanctions. We agree with the CSPL that the current system fails to provide a proportionate response against serious breaches of the rules, which contains two elements. Firstly, there needs to be greater clarity about the statutory basis for barring councillors from a local authority's premises and withdrawing their access to facilities. Secondly, there should be a power to suspend councillors for a period of up to six months, similar to the systems in other parts of the UK, with the opportunities to appeal to the Local Government and Social Care Ombudsman.

### 3. Transparent enforcement decisions

Like the CSPL, we think that as a minimum there should be full disclosure of breaches of local authorities' codes of conducts.<sup>128</sup> This is useful for two principal reasons:

**Accountability:** It enables councillors, the public and others to judge the suitability of any sanction, and seek redress if they think it is unjust.

**Deterrence:** It shows that action is taken when the rules are broken and publicly holds to account those who break them.

<sup>124</sup> Local Government and Housing Act 1989, Section 5 <http://www.legislation.gov.uk/ukpga/1989/42/section/5>

<sup>125</sup> Localism Act 2011, Section 28(7)

<sup>126</sup> Currently, local authorities can choose whether the standards committees provide advisory or binding decisions on sanctions for members found in breach of the local code of conduct.

<sup>127</sup> We recognise other elements can help build a more robust and just system for investigating and enforcing local authorities' codes of conduct. The CSPL has addressed many of these in its report. However, we were unable to review these in more detail and think the CSPL's recommendations appear very reasonable.

<sup>128</sup> CSPL, *Local Government Ethical Standards* p.63

Apart from the introduction of meaningful sanctions, which would require some legislative change, all of the above is achievable with the current statutory framework. We recognise re-introducing the sanction of suspension poses some important points of consideration.<sup>129</sup> In particular, there is a serious question as to whether anyone other than electors should have the power to suspend councillors, especially considering the potential for abuse on party political grounds.<sup>130</sup> There are heightened risks where there is one dominant political party within a local authority who may wish to suppress valid dissent from opposition councillors. This risk needs considering very carefully.

The inclusion of an appeal process through an independent third party – the Local Government and Social Care Ombudsman – should help mitigate this risk of abuse. Also, we would like to see local authorities introduce a sanctions policy with less room for abuse. This policy should include a clear statement of the sanctions available for breaches and the criteria for determining which is most appropriate given the circumstances. There should also be additional safeguards against abuse, such as involvement of the Independent Person in any decision to impose this sanction. While we recognise that these mitigations may not be entirely satisfactory for those who deem any power of suspension problematic, they do provide some substantive safeguards against potential abuse.

## Standards assessment findings

We assessed the quality of the framework for providing oversight of councillors' conduct by examining:

- What training local authorities provide to those on their planning committees, and whether it was mandatory or recommended.
- Whether councils had specific protocols for ensuring probity in the planning process and, if applicable, whether a breach of these constituted a breach of its code of conduct, and therefore sanctions apply.
- The transparency of enforcement decisions made by local authorities in relation to alleged misconduct.
- Whether there were clear and meaningful sanctions for breaches of the code of conduct.

This identified the following findings:

- Only six (12 per cent) required councillors to undertake compulsory training on probity in the

planning process, with eight (16 per cent) merely recommending it.

- Forty-five (90 per cent) of local authorities had a protocol dedicated to outlining how councillors should engage with those involved in the planning process. However, only 27 (54 per cent) indicated that breaching this protocol also constituted a breach of the authority's code of conduct, and would be subject to sanctions.
- 27 (54 per cent) standards committees were proactive, meeting every quarter or more frequently.
- 11 (22 per cent) standards committees were either inactive, or the local authority did not have a committee responsible for overseeing councillor conduct.
- Only four (8 per cent) councils met good practice on requiring the publication of anonymised details and summary statistics on complaints made, and investigations underway and concluded, including details of substantiated breaches.
- Five (10 per cent) councils had centralised locations on their websites showing complaints and/or decision notices. This means that the remaining 45 (90 per cent) published this information in standards committee meetings, which is difficult to find as it relies on manually going through the minutes of each meeting. This also makes it more difficult to be informed of when, and how many, councillors have breached the code of conduct overall.
- While the majority of local authorities required the publication of some of these aspects, four (8 per cent) did not have any requirements, nor did they publish anything in practice.
- Although councils cannot formally disqualify or suspend councillors from public office, councillors can be removed from holding specific posts – such as committee or cabinet positions. Thirty-two out of the 50 (64 per cent) councils we reviewed had this sanction within their procedures.
- Also, 18 (36 per cent) included withdrawing facilities and 34 (68 per cent) listed censure as possible sanctions.
- Nine (18 per cent) local authorities did not list any sanctions in their codes, constitution, or complaints procedures.

<sup>129</sup> Before the Localism Act 2011, local authorities were able to suspend councillors for up to six months years for breaches of the rules.

<sup>130</sup> Jonathan Rose and Colin Copus, *Councillor ethics: a review of the Committee On Standards In Public Life's 'Local Government Ethical Standards'*, (2020), Public Money & Management DOI: 10.1080/09540962.2020.1723256 pp.6-7

## Recommendations

**Recommendation 8: Provide clear guidance and boundaries for councillors so they can better understand what is and is not acceptable behaviour.** To inform councillors about the boundaries of acceptable conduct in the planning process, all local authorities should introduce:

- Compulsory training for those on planning committees or with executive functions relating to planning, including specific modules on ensuring integrity in the process and the factors they should take into account when making a decision.
- Establish a dedicated planning protocol, with proportionate sanctions for non-compliance.

**Recommendation 9: Provide a meaningful deterrent for serious breaches of the code of conduct.** To provide a meaningful deterrent, we support the recommendations from the CSPL that the government should legislate to:

- Give local authorities the power to suspend councillors, without allowances, for up to six months with the ability to appeal the decision to the Local Government and Social Care Ombudsman for England.
- Clarify beyond doubt that local authorities may lawfully bar councillors from council premises or withdraw facilities as sanctions.

**Recommendation 10: Increase transparency over investigations and enforcement action.** To help provide a greater understanding of the level of alleged misconduct and to provide a greater deterrent against future breaches of the rules, local authorities should regularly publish in a central location:

- Anonymised details about allegations made regarding councillors' alleged misconduct, including any grounds for rejection; for example, they were malicious or unfounded.
- Summary statistics on the number of investigations underway, including their status.

Full details of substantiated breaches, including the councillor concerned, and any sanction imposed.

# CONCLUSIONS

Seven years ago, we identified serious corruption risks in local government planning decisions and raised the alarm bell as the system for ensuring integrity in this public office was dismantled in England. Through an appraisal of the available evidence, we have found that not only are these risks still very real, but local authorities across England are ill-prepared to address them. Moreover, when things do go wrong, millions, sometimes billions, of pounds of investment in the delivery of new homes are at stake. This report identifies three major areas where reform is needed most.

## 1. Councillors engaging external stakeholders

The biggest controversies we have seen are those where there is suspicion surrounding the relationship between decision-makers and developers. Whether it be secretive closed-door meetings or unusually high amounts of hospitality bestowed upon committee chairs, scandals are often tied intimately to poor management of councillors' engagement with external stakeholders. Unfortunately, despite existing advice on how to manage this process from the LGA and the CSPL, most councils and the lobbying industry do not do enough to reduce the perception or reality of impropriety.

## 2. Managing private interests

The most worrying findings of our research are the relatively frequent and unchecked conflicts of interest held by those with key roles in reviewing major planning applications. For those new to this area, it is surprising to find individuals entrusted with key responsibilities in the planning process who are also free to work for developers so long as it is not concerning applications within their local authority. Furthermore, the absence of any real control on the movement of these individuals between public and private office seems destined for trouble, even if through ignorance of those involved in the potential risks of impropriety. This is a very weak defence against misconduct, and poor protection against the perceived or actual 'capture' of planning decisions by powerful and well-resourced vested interests.

## 3. Regulating councillors' conduct

When action needs taking to address misconduct there is insufficient transparency over the sanctions available and those imposed, and an inadequate deterrent against the most serious misbehaviour that does not constitute criminal conduct. Although councillors who misbehave ultimately face the threat of the ballot every election cycle, this is too infrequent and blunt a tool to deal with serious misdemeanours. It is also worthy of note that two of the authorities blighted by scandal in recent years (Westminster and Haringey) have also been dominated by a single party for almost half a century, which suggests uncompetitive elections may even foster an environment in which impropriety emerges.

Yet, there are some signs of positive change. Encouragingly, all but two of the issues we have identified throughout this report are solvable without recourse to new laws. It is mostly within the powers of local authorities and the lobbying industry to implement these changes, which are often matters of policy, procedure and practical advice. Although some key proposals will require changes to councils' constitutions and the lobbying industry's code of conduct, these are reviewed regularly enough to realise change within a relatively short period.

While we do not claim these to be silver bullets for the ills we have identified in this report, they are workable and achievable reforms. Some of them are already practised by several local authorities. These changes can be made with little expense. Given the amount of money at stake, councils and the UK Government should see this as a small price to pay for reducing the risk of unnecessary damage to public trust in major development decisions, which may have significant legal, financial and political implications both now and in the future.

# ANNEX I: SAMPLE OF LOCAL AUTHORITIES FOR STANDARDS ASSESSMENT

Name	Region	Authority Type	Political control
Charnwood	East Midlands	District Council	CON
Derbyshire Dales	East Midlands	District Council	CON
Erewash	East Midlands	District Council	CON
Northampton	East Midlands	District Council	CON
Derby	East Midlands	Unitary authority	NOC
Broadland	East of England	District Council	CON
Chelmsford	East of England	District Council	LD
Fenland	East of England	District Council	CON
Maldon	East of England	District Council	CON
South Norfolk	East of England	District Council	CON
Peterborough	East of England	Unitary authority	NOC
Camden	London	London Borough	LAB
Hackney	London	London Borough	LAB
Haringey	London	London Borough	LAB
Kensington and Chelsea	London	London Borough	CON
Lambeth	London	London Borough	LAB
Southwark	London	London Borough	LAB
Sutton	London	London Borough	LD
Tower Hamlets	London	London Borough	LAB
Wandsworth	London	London Borough	CON
Westminster	London	London Borough	CON
Newcastle upon Tyne	North East	Metropolitan Borough	LAB
Darlington	North East	Unitary authority	NOC
South Lakeland	North West	District Council	LD
Liverpool	North West	Metropolitan Borough	LAB
Manchester	North West	Metropolitan Borough	LAB
Stockport	North West	Metropolitan Borough	NOC
Cheshire West and Chester	North West	Unitary authority	NOC
Aylesbury Vale	South East	District Council	CON
Basingstoke and Deane	South East	District Council	CON
Folkestone and Hythe	South East	District Council	NOC
Maidstone	South East	District Council	NOC

New Forest	South East	District Council	<b>CON</b>
Thanet	South East	District Council	<b>NOC</b>
Isle of Wight	South East	Unitary authority	<b>CON</b>
Portsmouth	South East	Unitary authority	<b>NOC</b>
Reading	South East	Unitary authority	<b>LAB</b>
West Berkshire	South East	Unitary authority	<b>CON</b>
Cotswold	South West	District Council	<b>LD</b>
Bournemouth, Christchurch and Poole	South West	Unitary authority	<b>NOC</b>
City of Bristol	South West	Unitary authority	<b>LAB</b>
Wiltshire	South West	Unitary authority	<b>CON</b>
Stratford-on-Avon	West Midlands	District Council	<b>CON</b>
Birmingham	West Midlands	Metropolitan Borough	<b>LAB</b>
Sandwell	West Midlands	Metropolitan Borough	<b>LAB</b>
Herefordshire	West Midlands	Unitary authority	<b>NOC</b>
Ryedale	Yorkshire and The Humber	District Council	<b>NOC</b>
Leeds	Yorkshire and The Humber	Metropolitan Borough	<b>LAB</b>
Sheffield	Yorkshire and The Humber	Metropolitan Borough	<b>LAB</b>
York	Yorkshire and The Humber	Unitary authority	<b>NOC</b>

**Transparency International UK**

10 Queen Street Place,  
London,  
EC4R 1BE

[www.transparency.org.uk](http://www.transparency.org.uk)  
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