

Planning Fraud Risks



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Northern Ireland
Audit Office



Planning Fraud Risks

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Introduction

What is planning fraud?

The planning system exists to ensure, amongst other things, that the development of land is managed in the public interest. It aims to direct and control the type and volume of development that occurs, in order to ensure the sustainable creation of places in which people want to live, work and invest.

However, the planning system is susceptible to potential fraud and corruption. For example:

- developers or individuals wishing to advance their own interests may attempt to influence planning decisions;
- planning applicants may make false or misleading statements in planning applications, or provide false supporting documentation;
- planning officials and decision-makers may manipulate the planning process to the advantage of themselves or a third party; or
- planning officials and decision-makers may be subject to undue influence from third parties in relation to planning decisions.

Overview of the planning system in Northern Ireland

Under the Planning Act (NI) 2011, responsibility for delivering the main operational planning functions passed from a central government department to **local councils** in April 2015. These functions include:

- development plans – creating a plan that sets out a vision of how the council area should look in the future, by deciding what type and scale of development should be encouraged and where it should be located;
- development management – determining whether planning applications for particular development proposals should be approved or refused; and
- planning enforcement – investigating alleged breaches of planning control and determining what action should be taken.

The **Department for Infrastructure** retains responsibility for planning legislation, regional policy, oversight of the development plan process, and making decisions in relation to a small number of regionally significant planning applications and called in applications.

A key element of the planning process is the role of **statutory consultees**. Planning authorities may not have the necessary in-house expertise to assess some technical or specialist aspects of planning applications. Planning legislation therefore identifies a number of organisations that must be consulted in certain circumstances. They are the Department for Infrastructure, the Department of Agriculture, Environment and Rural Affairs, the Department for Communities, the Department for the Economy, NI Water, the Health and Safety Executive for Northern Ireland, Northern Ireland Housing Executive and local councils (for applications which are determined by the Department for Infrastructure).

Whilst this Guide is directed primarily at planning authorities (local councils and the Department for Infrastructure), statutory consultees should also be aware of its content and the key risks and controls that might apply to their role.



“Planning is an inherently high risk area of public service delivery....There is no other part of the public sector which is more open to the possibility of conflicts of interest, collusion and impropriety.”

Source: NI Public Accounts Committee, February 2010

Why produce a guide on planning fraud risks?

In February 2022, the NIAO published a report on Planning in Northern Ireland. Following a series of Public Accounts Committee (PAC) hearings, the PAC published its own report in March 2022. It expressed concerns about the lack of transparency of the planning system and highlighted the importance of making planning decisions “*within a framework of high ethical values*”.



“The planning system lacks transparency, leaves decision-makers ill-equipped to defend themselves against allegations of corruption and contributes to mistrust.”

Source: NI Public Accounts Committee, March 2022

In addition to fraud and corruption risks **within** the planning system, there is also the risk of fraud being committed **against** the planning system. Planning authorities need to be alive to the potential risks from third parties and have controls in place to mitigate those risks.

Purpose of the Guide

The purpose of this short Guide is to raise awareness across local government in NI about what planning fraud might look like, the conditions that might give rise to planning fraud risks, and the controls that can be put in place to combat the risks. It is relevant for councillors, planning committee members and any staff within organisations who are involved in any way, no matter how small, in the planning process.

The Guide will also be useful for auditors reviewing planning arrangements, helping them to see the **warning signs** (or “**red flags**”) of potential fraud. **Internal audit** in organisations have a **key role** in providing assurance over the design and operation of the controls put in place by management across the planning process.

General risks and controls



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none"> • Planning decision-makers may be unclear as to the ethical values expected of them as holders of public office making key decisions. 	<ul style="list-style-type: none"> ✓ Those involved in making planning decisions must be guided by the seven Nolan principles and the additional principles adopted by the NI Assembly (as set out in The Northern Ireland Local Government Code of Conduct for Councillors and the Code of Conduct for Local Government Employees), as well as professional codes of conduct where applicable.
<ul style="list-style-type: none"> • Planning decision-makers may be unclear as to what is acceptable conduct in terms of proper planning decisions. 	<ul style="list-style-type: none"> ✓ Planning authorities must have clear guidance in place, in terms of policies and procedures for the planning process. This guidance must be readily accessible and understood by all those involved in the planning process. ✓ Councillors and planning officials must have a sound understanding of the legal requirements around planning decisions, reinforced through regular awareness training. ✓ Planning authorities should ensure councillors and planning officials receive regular training on probity in decision-making.
<ul style="list-style-type: none"> • Planning decision-makers may be unclear as to the wider ethical and governance framework of the planning authority. 	<ul style="list-style-type: none"> ✓ Planning authorities should have a comprehensive set of complementary policies such as conflicts of interest, gifts and hospitality, anti-fraud and raising concerns. Planning decision-makers must be familiar with these policies and adhere to them.
<ul style="list-style-type: none"> • Lack of transparency may lead to the perception of impropriety. 	<ul style="list-style-type: none"> ✓ The process for arriving at planning decisions must be open, transparent and impartial.
<ul style="list-style-type: none"> • Undocumented meetings may lead to the perception of impropriety. 	<ul style="list-style-type: none"> ✓ Councillors or senior officials involved in pre-application (or other) discussions with third parties should be accompanied by a planning officer who should document the meeting for the case file, noting the issues raised and the advice given.
<ul style="list-style-type: none"> • Lack of clarity and comprehensive documentation around planning decisions may lead to the perception of impropriety or corruption. 	<ul style="list-style-type: none"> ✓ A planning committee's reasons for a planning decision must be clearly documented in the minutes of the meeting, particularly where the decision is contrary to a planning officer's recommendation or to the local development plan. A copy of the minutes must be placed on the planning application file/planning portal. ✓ Decisions contrary to a planning officer's recommendation or the local development plan must be based on sound planning considerations.

General risks and controls



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none"> • Planning authorities may not have a robust system of internal controls in relation to their planning function. 	<ul style="list-style-type: none"> ✓ A robust system of internal controls should be in place, including separation of duties, effective supervision, management oversight and transparent and well documented decisions - see Internal Fraud Risks guide, NIAO, 2022. ✓ Internal controls must be tested regularly to ensure they are operating effectively.
<ul style="list-style-type: none"> • Planning decision-makers may not be provided with adequate and effective training for their role, including fraud awareness training. 	<ul style="list-style-type: none"> ✓ Planning authorities should ensure councillors and planning officials receive appropriate training for their role, both at induction and on an ongoing basis. ✓ Elected representatives should ensure they attend all NILGA-provided training in relation to the Code of Conduct, and any focused training on planning.
<ul style="list-style-type: none"> • Planning decision-makers may be subject to undue influence, either directly or indirectly, e.g., via social media pressure or party political pressure. • Planning decision-makers may be subject to undue influence from third parties in relation to zoning of land in the development plan process. 	<ul style="list-style-type: none"> ✓ Planning authorities should ensure training for councillors and planning officials covers probity in decision-making and raises awareness of the undue influences they may face. ✓ Councillors and planning officials must have a clear understanding that planning decisions must be made in line with relevant planning legislation and guidelines and must be free from undue influences. ✓ Councillors and planning officials should notify their planning authority if they are subject to any direct or indirect undue influence.
<ul style="list-style-type: none"> • There may be no system or process for councillors, officials or third parties to raise concerns about planning activities. 	<ul style="list-style-type: none"> ✓ Planning authorities should have a clear route for those seeking to make a complaint or raise a concern about the planning process and decisions. Complaints and concerns should be appropriately considered and addressed. ✓ Planning authorities should be aware of good practice guidance on effective arrangements for raising concerns – see Raising Concerns: a Good Practice Guide for the NI Public Sector, NIAO, 2020.
<ul style="list-style-type: none"> • Available sanctions may not be imposed in cases where councillors breach the Code of Conduct. 	<ul style="list-style-type: none"> ✓ Meaningful sanctions must be employed as a deterrent against misconduct. The Northern Ireland Local Government Code of Conduct for Councillors details the enforcement procedures and sanctions available to the Northern Ireland Ombudsman, in their capacity as the Northern Ireland Commissioner for Complaints, to address concerns brought to their attention about councillors' conduct.

Elected representatives



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none"> • A councillor/planning committee member may seek to unduly influence a planning official in the proper exercise of their duties. 	<ul style="list-style-type: none"> ✓ Elected representatives must not abuse their position by seeking to bring undue influence to bear on planning officials, in relation to planning decisions. They must recognise and respect the complementary roles of elected representatives and officials in the planning process and adhere to the Local Government Employee and Councillor Working Relationship Protocol.
<ul style="list-style-type: none"> • A councillor/planning committee member may seek to influence another councillor/planning committee member in the proper exercise of their responsibilities. 	<ul style="list-style-type: none"> ✓ Elected representatives making planning decisions must do so in the interests of the council as a whole and not in favour of individual constituents or particular interests. ✓ Political group meetings or discussions must not be used to decide how councillors should vote on a planning application, as all applications must be considered on their own merits and councillors must make their own decisions.
<ul style="list-style-type: none"> • A councillor/planning committee member may be offered, or may request, a bribe to influence a planning decision. (Note: A bribe or inducement can take many forms, e.g., cash, benefits in kind, the promise of votes at election time.) 	<ul style="list-style-type: none"> ✓ There should be a clear commitment from senior levels within the organisation to prevent bribery and corruption, and a clear statement of ethical values. ✓ A proportionate bribery and corruption risk assessment should be carried out and reviewed periodically. ✓ There should be arrangements in place for raising and reinforcing bribery and corruption awareness, as part of wider fraud awareness training. ✓ There must be a clear route for those wishing to raise concerns about actual or potential bribery and corruption. ✓ Particular care must be taken by elected representatives in pre-election periods to avoid any perception of influencing planning decisions in return for votes.
<ul style="list-style-type: none"> • Planning applications submitted by councillors/planning committee members could lead to suspicions of impropriety. 	<ul style="list-style-type: none"> ✓ Councillors must play no part in deliberations/decisions involving their own planning applications. ✓ Councillors in such a position should declare any such interest and leave the meeting when their application is being discussed.
<ul style="list-style-type: none"> • A councillor/planning committee member may manipulate the planning system to the advantage of themselves/family member/friend. 	<ul style="list-style-type: none"> ✓ Councillors must adhere to due council process and not take any part in decision-making following submission of a planning application by themselves, a family member, friend or close associate. ✓ Any such interest should be declared, recorded and appropriately managed.

Elected representatives



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none"> • A councillor/planning committee member may fail to declare an interest in a situation where they could use their public position for direct personal gain (e.g., in relation to land holdings). • A councillor/planning committee member may fail to declare an interest in a situation where they could use their public position for indirect gain (e.g., for the gain of an employer, business associate, family member or friend, or by acting as a planning agent). [Note: Particular risk may attach to planning committee members who have advance knowledge of Local Development Plans and could use this to their own advantage or the advantage of others.] 	<ul style="list-style-type: none"> ✓ Councillors must adhere to The Northern Ireland Local Government Code of Conduct for Councillors. The Code includes guidance on registering and declaring both direct and indirect pecuniary interests. Declared interests must be properly managed. A key consideration is whether a member of the public, with knowledge of the relevant facts, would perceive that the interest would be likely to influence any decision. ✓ Planning authorities should consider publishing their registers of interests in an accessible format, to promote transparency. ✓ Planning authorities should be aware of good practice in managing conflicts of interest - see Conflicts of Interest: a Good Practice Guide, NIAO, 2015.
<ul style="list-style-type: none"> • A councillor/planning committee member could be influenced in their official capacity due to a previous or prospective employment relationship, e.g. with a developer. 	<ul style="list-style-type: none"> ✓ Planning authorities need to be mindful of the “revolving door”. There must be clear guidance around such situations and effective management of any conflicts of interest, actual or perceived (see link to good practice above). ✓ Councillors involved in planning should receive training about the risks of abusing the “revolving door”. ✓ Planning authorities should have an agreed process to decide whether councillors who have employment links, past or present, with developers should be involved in the planning process. Any potential conflicts of interest must be identified and properly managed.
<ul style="list-style-type: none"> • A councillor/planning committee member may be subject to undue influence if they accept generous gifts, hospitality or other benefits from e.g. developers. 	<ul style="list-style-type: none"> ✓ Councillors must ensure they do not accept frequent and/or generous gifts or hospitality, to avoid the reality or perception of undue influence. ✓ Planning authorities must establish clear guidelines/thresholds for the acceptance of gifts and hospitality, in the form of standing orders. ✓ Planning authorities should have a process in place for the declaration and management of gifts and hospitality, and publish their register of gifts and hospitality in an accessible format, to promote transparency. ✓ Planning authorities should consider the appropriate period of tenure for planning committee members, to protect councillors from the reality or perception of undue influence.

Planning officials



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none"> • A planning official may not have the necessary capability and expertise to recognise key fraud risks within the planning process that they are administering. 	<ul style="list-style-type: none"> ✓ Planning authorities should have clarity about the knowledge and skills required to properly administer the planning system while minimising key fraud risks, and take steps to ensure their planning officials have the necessary capability and expertise, e.g., through recruitment of the right people and provision of an ongoing programme of training and development.
<ul style="list-style-type: none"> • A planning official may be subject to undue influence from an elected representative in the performance of their duties. 	<ul style="list-style-type: none"> ✓ Planning officials must be clear about their own role and that of elected representatives. They should be aware of the Local Government Employee and Councillor Working Relationship Protocol. ✓ Planning authorities must ensure they have robust procedures in place for planning officials who wish to raise concerns about undue influence from elected representatives.
<ul style="list-style-type: none"> • A planning official may be offered, or may request, a bribe to influence a planning decision. 	<ul style="list-style-type: none"> ✓ There should be a clear commitment from senior management to prevent bribery and corruption and a clear statement of ethical values. ✓ A proportionate bribery and corruption risk assessment should be carried out and reviewed periodically. ✓ There should be arrangements in place for raising and reinforcing bribery and corruption awareness, perhaps as part of fraud awareness training or via staff bulletins on the intranet. ✓ There must be a clear route for those wishing to raise concerns about actual or potential bribery and corruption.
<ul style="list-style-type: none"> • A planning official may manipulate a planning fee to a lesser amount or process as a zero fee, in return for a bribe. 	<ul style="list-style-type: none"> ✓ All fee calculations should be checked and confirmed by another planning official independent of the case.
<ul style="list-style-type: none"> • Planning applications submitted by planning officials could lead to suspicions of impropriety. 	<ul style="list-style-type: none"> ✓ Planning officials must play no part in decisions involving their own planning applications. Any such interest should be declared and appropriately managed. ✓ Planning applications submitted by planning officials should be determined by the council's planning committee, in the interests of transparency.
<ul style="list-style-type: none"> • A planning official may manipulate internal systems/ processes for their own or a third party's advantage, e.g. to influence a planning decision to the advantage of themselves/family member/friend. 	<ul style="list-style-type: none"> ✓ A robust system of internal controls should be in place, including separation of duties, effective supervision, management oversight and transparent and well documented decisions. Internal controls must be tested regularly to ensure they are operating effectively - see Internal Fraud Risks guide, NIAO, 2022.

Planning officials



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none">• A planning official may fail to declare an interest in a situation where they could use their professional position for personal gain (e.g. in relation to land holdings or by acting as a planning agent).	<ul style="list-style-type: none">✓ There should be a comprehensive set of complementary policies, such as conflicts of interest, gifts and hospitality, anti-fraud and raising concerns.✓ The planning authority's code of conduct must make clear which interests must be declared. Declared interests must be properly managed.
<ul style="list-style-type: none">• A planning official may be subject to undue influence if they accept generous gifts, hospitality or other benefits from developers or planning applicants.	<ul style="list-style-type: none">✓ Planning officials must ensure they do not accept frequent and/or generous gifts or hospitality, to avoid the reality or perception of undue influence.✓ Planning authorities must establish clear guidelines/thresholds for the acceptance of gifts and hospitality.✓ Registers of gifts and hospitality should be published on the planning authority's website, in an accessible format, to promote transparency.
<ul style="list-style-type: none">• A planning official could be influenced in their official capacity due to a previous or prospective employment relationship, e.g. with a developer.	<ul style="list-style-type: none">✓ Planning authorities need to be mindful of the "revolving door". There must be clear guidance around such situations and effective management of any conflicts of interest (see link to good practice above).✓ Officials involved in planning should receive training about the risks of abusing the "revolving door".✓ Planning authorities should consider whether officials who have employment links, past or present, with developers should be involved in the planning process. Any potential conflicts of interest must be identified and properly managed.

Third parties



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none"> An applicant may make a false or misleading statement on a planning application. 	<ul style="list-style-type: none"> ✓ Planning officials must exercise due diligence when considering planning applications and not accept information at face value. ✓ Planning authorities' planning application documentation should require the applicant to sign a declaration that all information provided on the form is accurate and truthful. ✓ Planning authorities should consider whether any sanctions might be imposed against those making false or misleading statements on planning applications. ✓ Planning authorities should ensure that fraud awareness training for planning officials highlights the fraud risks associated with third parties.
<ul style="list-style-type: none"> An applicant may provide false documentation in support of a planning application. 	<ul style="list-style-type: none"> ✓ Planning officials/statutory consultees should take reasonable steps to verify that official documents provided in support of planning applications are genuine, e.g. on official headed paper and properly signed. ✓ Planning authorities' planning application documentation should require the applicant to sign a declaration that all evidence provided in support of the application is authentic, accurate and truthful. ✓ Planning authorities should consider whether any sanctions might be imposed against those submitting false documentation in support of planning applications.
<ul style="list-style-type: none"> A supporter of, or objector to, a planning application may make a false or misleading statement as part of their representation. 	<ul style="list-style-type: none"> ✓ Planning officials should exercise due diligence when considering representations in relation to planning applications. ✓ Planning authorities' guidance to those wishing to comment on or object to a planning application should make clear that any statements made as part of their representation must be accurate and truthful. ✓ Planning authorities should consider whether any sanctions might be imposed against those making false or misleading statements when submitting representations about planning applications.

Third parties



Fraud Risks/Red Flags	Mitigating Controls
<ul style="list-style-type: none"> • A supporter of, or objector to, a planning application may provide false documentation as part of their representation. 	<ul style="list-style-type: none"> ✓ Planning officials/statutory consultees should take reasonable steps to verify that official documents provided as part of representations made in relation to planning applications are genuine, e.g. on official headed paper and properly signed. ✓ Planning authorities' guidance to those wishing to comment on or object to a planning application should make clear that any documentation provided as part of an objection must be authentic and truthful. ✓ Planning authorities should consider whether any sanctions might be imposed against those submitting false documentation as part of representations in relation to a planning application.
<ul style="list-style-type: none"> • A planning agent may deceive a planning authority by falsifying documentation submitted in support of a planning application. 	<ul style="list-style-type: none"> ✓ Planning officials should take reasonable steps to verify that official documents provided by planning agents in support of planning applications are genuine, e.g. on official headed paper and properly signed. ✓ Planning authorities' planning application documentation should require planning agents to sign a declaration that all evidence provided in support of the application is authentic, accurate and truthful. ✓ Planning authorities should consider whether any sanctions might be imposed against planning agents who submit false documentation in support of planning applications.
<ul style="list-style-type: none"> • A planning agent may deceive both the party on whose behalf they are acting and the planning authority, by falsifying a planning decision document, thereby causing potential financial loss to both parties and possible reputational damage to the planning authority. 	<ul style="list-style-type: none"> ✓ Planning authorities should consider having guidance on their website advising planning applicants who have secured planning permission via a planning agent to confirm the validity of the planning decision document directly with the planning authority, before incurring any further expense.

Useful sources

NI Local Government Code of Conduct for Councillors, DoE, May 2014

Application of the Councillors' Code of Conduct with regard to Planning Matters, DoE, February 2015

Application of the Councillors' Code of Conduct with regard to Planning Matters, summary of Dos and Don'ts, DoE, February 2015

Conflicts of Interest: A Good Practice Guide, NIAO, March 2015

NI Local Government Code of Conduct for Councillors: Guidance for Councillors from the NI Local Government Commissioner for Standards, NILGCS, May 2017

Managing the Risk of Bribery and Corruption: A Good Practice Guide for the NI Public Sector, NIAO, November 2017

Probity in Planning: Advice for councillors and officers making planning decisions, Local Government Association and Planning Advisory Service, December 2019

Probity and the Professional Planner, Royal Town Planning Institute, January 2020

Raising Concerns: A Good Practice Guide for the NI Public Sector, NIAO, June 2020

Permission Accomplished: Assessing corruption risks in local government planning, Transparency International, July 2020

Planning in Northern Ireland, NIAO, February 2022

Planning in Northern Ireland, Public Accounts Committee, March 2022

Case examples



Case example – close relationship between planning committee members:

A councillor who was a member of the planning committee applied for permission to replace an existing caravan with a dwelling. The application was recommended for refusal by officers because it was within an Area of Outstanding Natural Beauty. The chair of the planning committee used his casting vote to approve the application. The councillor concerned had declared an interest and left the room, but a complaint was made that the councillor and chair were friends.

The Ombudsman found that there had been 'maladministration leading to injustice'. The only councillors who should have voted on the application were those whose relationship with the councillor would not lead a member of the public to think that their decision, because of that relationship, would be biased. The association between the two had not been confined to council business but included church functions, political events and mutual friends bringing the two families together regularly.

Source: *Application of the Councillors' Code of Conduct with Regard to Planning Matters*, Department of the Environment, February 2015



Case example – close relationship between council leader and planning applicants:

The planning committee of Folkestone and Hythe Council voted against the recommendation of planning officers to reject plans for a new holiday resort at a farm near Folkestone, within an Area of Outstanding Natural Beauty. A Judicial Review in February 2018 ruled that the Council's decision to approve the development was "irrational and unintelligible". However, despite the ruling, the planning committee again approved the development, and a local campaigner secured a second Judicial Review of the decision. Media reports highlighted a close relationship between the Council leader and the planning applicants.

Speaking about the cost to the taxpayer, the chief executive of the TaxPayers' Alliance said: "*Maximum scrutiny should be applied to this case to ensure there is no conflict of interest, as the landowners and council leader openly admit to being friends and the council is going against the recommendations of its own officers*".

Source: Media reports, October 2018

Case examples



Case example – corruption of elected representatives

In March 2002, the former Chair of Planning for Doncaster City Council was sentenced to four years in prison after receiving bribes, including a farmhouse valued at £160,000, from a property developer who also received a five-year sentence. A further 21 councillors were convicted of fraud during the police investigation. The Judge told the court that the scandal had betrayed the public's trust and seen the "worst sort of corruption" – the undermining of previously honest and hard-working elected representatives. The Judge noted: *"Public life requires a standard of its own. Power corrupts and corruption in government by those elected by the public strikes at its integrity and at the root of democracy."*

Source: *UK Anti-Corruption Plan*, HM Government, December 2014



Case example – undeclared interest

A councillor was suspended from the planning committee for three months because he had spoken against an application for a snack bar but had failed to declare that he had a non-financial interest because he was an office bearer at the church which objected to the proposal.

Source: *Application of the Councillors' Code of Conduct with Regard to Planning Matters*, Department of the Environment, February 2015



Case example – abuse of position

There were allegations that a council leader in England replaced the planning committee Chairman because the committee had failed to approve a development that would have benefitted the council leader's long-term friend. The replacement Chairman had previously supported projects by the same development company which was led by the council leader's friend.

Source: *Corruption in UK Local Government*, Transparency International, October 2013

Case examples



Case example – third party fraud (applicant)

A planning applicant, who was also a solicitor and a Deputy District Judge, submitted fictitious letters to a council in support of planning applications and was convicted of several fraud offences.

An investigation by Scarborough Borough Council found that the applicant had attempted to subvert the planning process. He had applied for planning permission to develop land at several locations within the Whitby area. It was alleged that he attempted to influence the planning office by submitting numerous items of correspondence purporting to be from members of the general public, in support of his applications. The letters and emails were found to have been submitted by the applicant using the names and addresses of others, without their permission. Police said the content of the correspondence was also entirely fictitious.

The Head of Economic Crime and Major Fraud at North Yorkshire Police said that the applicant was *“a highly qualified judge who used his enhanced knowledge of the legal system to commit crime and deceive a number of public sector organisations.”*

The applicant was sentenced to 20 weeks’ imprisonment suspended for two years, ordered to pay £2,747 in compensation and £7,285 in costs, and also ordered to do 200 hours of unpaid work.

Source: Media reports, November 2017



Case example – third party fraud (objector)

A woman objecting to a planning application forged letters which were accepted as genuine by a local government ombudsman. She sent letters to the former Teesdale District Council (objecting to planning permission and purporting to be from a local parish council) which formed the basis of a report by the ombudsman into possible maladministration.

The prosecuting barrister said the forgery...was tantamount to perverting the course of justice. He said: *“She persisted with the lie that these were genuine documents, and her behaviour threw suspicion on a large number of people. Planning officers were investigated and people working for the parish council came under suspicion.”*

The woman received a nine-month sentence, suspended for 18 months.

Source: Media reports, November 2015

Self-assessment checklists

Please note: These checklists are for *guidance only* and are not intended to be exhaustive. They focus on the **key good practice standards** and should be considered in conjunction with the more detailed mitigating controls listed in the main sections of this Guide. The checklists should be completed and reviewed/updated periodically to provide a degree of assurance in relation to *your* exposure (as a **planning authority, elected representative or planning official**) to planning fraud risks.

Good practice standard	Yes/No	Action required
1. Planning authorities		
1.1 We have clear policies and procedures in place for the planning process. They include a commitment to zero tolerance of unethical behaviour, fraud, bribery and corruption. This guidance is readily accessible to all those involved in the planning process.		
1.2 We ensure that planning decision-makers receive regular awareness training on probity, proper practice and the legal requirements of planning decision-making, including awareness of the fraud risks and undue influences they may face.		
1.3 We have completed a proportionate fraud, bribery and corruption risk assessment in relation to our planning function. It is reviewed periodically to take account of new and emerging risks.		
1.4 We make clear in our guidance and training that the process for arriving at planning decisions must be open, transparent and impartial .		
1.5 We make clear in our guidance and training that the reasons for all planning decisions must be clearly documented.		

Good practice standard	Yes/No	Action required
1.6 We have a robust system of internal controls in place in relation to the planning process, including separation of duties, effective supervision, management oversight and transparent, well-documented decisions. Controls are tested regularly to ensure they are operating effectively.		
1.7 We have a comprehensive set of complementary policies in place including conflicts of interest, gifts and hospitality, anti-fraud and raising concerns. These are readily accessible to all those involved in the planning process.		
1.8 We are aware of good practice guidance on managing conflicts of interest (<u>Conflicts of Interest: a Good Practice Guide</u> , NIAO, 2015).		
1.9 We publish our register of interests in an accessible format, to promote transparency.		
1.10 We are particularly aware of the risks where planning decision-makers have employment links, past or present, with developers, and have arrangements in place to manage these risks effectively.		
1.11 We have established clear guidelines and thresholds for the acceptance of gifts and hospitality.		

Good practice standard	Yes/No	Action required
1.12 We publish our register of gifts and hospitality in an accessible format, to promote transparency.		
1.13 We recognise that planning officials must have the requisite skills to properly administer the planning system while minimising key fraud risks. We provide an ongoing programme of training and development to ensure they have the necessary capability and expertise.		
1.14 Our fraud awareness training includes highlighting the planning fraud risks associated with third parties.		
1.15 We have a clearly sign-posted procedure in place for those who wish to raise concerns about planning proposals or decisions, including concerns about potential fraud, bribery or corruption. We listen to concerns from elected representatives, officials and third parties and ensure that they are properly considered and addressed.		
1.16 We are aware of good practice guidance on effective arrangements for raising concerns – (<u>Raising Concerns: a Good Practice Guide for the NI Public Sector</u> , NIAO, 2020).		
1.17 Where possible, we impose meaningful sanctions against those who abuse the planning process, as a deterrent to others.		

Good practice standard	Yes/No	Action required
2. Elected representatives		
2.1 As an elected representative involved in the planning process, I am aware of my responsibility to abide by the seven Nolan principles and the additional five principles adopted by the NI Assembly (as set out in The Northern Ireland Local Government Code of Conduct for Councillors).		
2.2 As an elected representative involved in the planning process, I am familiar with, and adhere to, my authority's policy, procedures and guidance on the planning process, including probity, proper practice and legal requirements.		
2.3 As an elected representative involved in the planning process, I avail of regular training provided by my authority, including fraud awareness, bribery and corruption training.		
2.4 As an elected representative involved in the planning process, I am aware that the process for arriving at planning decisions must be open, transparent and impartial.		
2.5 As an elected representative involved in the planning process, I am aware that if I have discussions with third parties, I must be accompanied by a planning official who will document the meeting, including the issues raised and the advice given.		
2.6 As an elected representative involved in the planning process, I am aware that planning decisions must be clearly documented in the minutes of planning meetings and recorded on the planning application file/planning portal.		

Good practice standard	Yes/No	Action required
2.7 As an elected representative involved in the planning process, I acknowledge that decisions contrary to a planning official's recommendation must be based on sound planning considerations.		
2.8 As an elected representative involved in the planning process, I am familiar with my authority's policies on conflicts of interest, gifts and hospitality, anti-fraud and raising concerns. I adhere to these policies.		
2.9 As an elected representative involved in the planning process, I am aware of the consequences of misconduct and the sanctions that may be imposed on me by the Northern Ireland Ombudsman.		
2.10 As an elected representative involved in the planning process, I am aware that I must not abuse my position by seeking to bring undue influence to bear on planning officials in relation to planning decisions.		
2.11 As an elected representative involved in the planning process, I recognise that I must make planning decisions in the interests of the planning authority as a whole, and not in favour of individual constituents or particular interests. Decisions must be free from undue influence.		
2.12 As an elected representative involved in the planning process, I recognise that I must make my own decisions on the merits of planning applications, rather than as part of a political grouping.		
2.13 As an elected representative, I recognise that I must take particular care in pre-election periods to avoid any perception of influencing planning decisions in return for votes.		

Good practice standard	Yes/No	Action required
2.14 As an elected representative involved in the planning process, I recognise that I must declare an interest and take no part in deliberations or decisions about any planning application that I might submit.		
2.15 As an elected representative involved in the planning process, I recognise that I must declare an interest and take no part in deliberations or decisions about any planning applications submitted by a family member, friend or close associate.		
2.16 As an elected representative involved in the planning process, I recognise that I must register and declare any direct or indirect pecuniary interests.		
2.17 As an elected representative involved in the planning process, I recognise there is a potential conflict of interest if I have employment links, past or present, with developers. In such a situation, I recognise that I must declare any potential conflict so that it can be properly managed.		
2.18 As an elected representative involved in the planning process, I recognise that I must not accept frequent and/or generous gifts or hospitality, to avoid the reality or perception of undue influence.		
2.19 As an elected representative involved in the planning process, I recognise that I must raise any concerns I have about potential fraud, bribery or corruption, in line with my authority's raising concerns policy.		

Good practice standard	Yes/No	Action required
3. Planning officials		
3.1 As a planning official, I am aware of my responsibility to abide by the seven Nolan principles, my authority's code of conduct and any professional codes of conduct that apply to me.		
3.2 I am familiar with my authority's policy, procedures and guidance on the planning process, including probity, proper practice and legal requirements.		
3.3 I avail of regular training provided by my authority, including fraud awareness, bribery and corruption training.		
3.4 I am aware that the process for arriving at planning decisions must be open, transparent and impartial and that planning decisions must be clearly documented.		
3.5 I am familiar with my authority's policies on conflicts of interest, gifts and hospitality, anti-fraud and raising concerns. I adhere to these policies.		
3.6 I am aware of the risk of undue influence from elected representatives in relation to planning decisions. If this happened, I would raise it with my line manager or through other channels set out in my authority's raising concerns policy.		

Good practice standard	Yes/No	Action required
3.7 I recognise that I must declare an interest and take no part in the planning process in relation to any planning application that I might submit.		
3.8 I recognise that I must declare an interest and take no part in in the planning process in relation to any planning applications submitted by a family member, friend or close associate.		
3.9 I recognise that I must register and declare any direct or indirect pecuniary interests relevant to my planning role.		
3.10 I recognise there is a potential conflict of interest if I have employment links, past or present, with developers. In such a situation, I recognise that I must declare any potential conflict so that it can be properly managed.		
3.11 I recognise that I must not accept frequent and/or generous gifts or hospitality, to avoid the reality or perception of undue influence in my planning role.		
3.12 I am familiar with my authority's policy and guidelines on gifts and hospitality. I adhere strictly to the policy.		

Good practice standard	Yes/No	Action required
3.13 I recognise that I must raise any concerns I have about potential fraud, bribery or corruption, in line with my authority's raising concerns policy.		
3.14 I recognise the importance of internal controls within the planning system and that they are there to protect me as well as the planning authority. I ensure that I adhere to the system of internal controls.		
3.15 I am aware of the potential fraud risks posed by third parties (e.g. planning applicants, objectors, planning agents).		
3.16 I exercise due diligence when processing planning applications and considering objections, and do not take the information provided at face value.		
3.17 I take reasonable steps to ensure that documents provided in support of planning applications, or in support of objections, are genuine.		

**Independence and excellence in
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