

**A guide to procedures and
protocol for Councillors
and Officers involved in
making decisions on
planning applications and
other planning matters**

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London Borough of Enfield

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CODE OF PRACTICE : PROBITY IN PLANNING

1. EXECUTIVE SUMMARY

- 1.1 This guidance report gives an overview of probity issues in planning, including Members of the Planning Committee training and gives information on the approved Code of Practice.
- 1.2 A brief summary of the recommended approach that should be taken by planning committee members as well as key issues to avoid is listed below. These are covered in greater detail within the body of this guide.
- **Do** listen to all deputations and officer presentations before coming to a decision.
 - **Do not** make statements that can be perceived as predetermining any applications
 - **Do** treat all applicants the same irrespective of race, gender, disability, nationality, religion, age, sexual orientation, family status or any other irrelevant factor.
 - **Do not** do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006)
 - **Do** deal with all applications in an impartial way and refrain from putting pressure on officers to change recommendations.
 - **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
 - **Do** give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
 - **Do not** resolve to overturn recommendations of officers without first discussing and confirming planning reasons to do so.
 - **Do** disclose at the planning committee prior to any discussion the existence and nature of any personal or prejudicial interest at the commencement of that consideration, or when the interest becomes apparent.
 - **Do not** fail to disclose and personal or prejudicial interest. If there is any doubt please consult the Assistant Director of Corporate Governance or the Legal Advisor to the committee.
 - **Do** consider each matter on its individual merits and should not give the impression that they individually or as a political group have already come to their decision before all the material considerations have been taken into account.
 - **Do not** block vote on political grounds.

- **Do** ensure that at a Site Inspection Panel, questions and answers should be given in the hearing of all members in attendance. Members must not talk individually with applicants, objectors or others in the course of a site visit.
- **Do not** talk individually with applicants, objectors or others in the course of a site visit.
- **Do** reject any offers or gifts, hospitality or future favours made personally or to the Committee or Council generally. Where approaches are made details should be forwarded to the Assistant Director of Corporate Governance in writing. Any offers of hospitality shall be recorded and sent to the Monitoring Officer (Assistant Director of Corporate Governance).

2. **BACKGROUND AND BASIC PRINCIPLES**

- 2.1 This Code of Practice has been produced to provide on the Council's planning functions. It is produced principally for the benefit of Councillors, especially those on the Planning Committee and Officers dealing with planning related matters and has regard to current advice and examples of good practice.
- 2.2 Probity in planning has been the subject of some scrutiny by central government in recent years. This code aims to assist Members of the Planning Committee and those Officers who service Planning Committee to make well informed and consistent decisions in light of the Council's Development Plans and the government guidance¹.

3. **CODE OF PRACTICE**

- 3.1. It is recommended that each local authority should have its own local code of conduct dealing with the issues set out in the guidance². In response to that recommendation the Planning Committee considered a briefing report on Probity in Planning in July 2009. Issues were raised by Members about the content and recommendations contained within the report. This guidance document sets out the protocol for Members of the Council and Members of the Planning Committee in respect of site visits, responding to lobbying and engaging in pre-application discussions. The Local Government Association Code sets standards for and aims to improve public confidence in the planning system but also provides a mechanism for protecting the Council and its Members who act within it. Details of the main elements of the Local Government Association Code appear at Appendix A to this report.

¹ Nolan Report 'Standard of Conduct in Local Government' and the Local Government Association Paper 'Probity in Planning'

² 'Probity in Planning' Local Government Association

3.2. Planning law requires Members of Local Planning Authorities to determine all planning applications in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise. This responsibility must be performed without undue influence or personal interest. Members of Local Planning Authorities also have a duty to take into account all representations made to the Planning Committee including those received as a result of consultation with interested bodies, or as a result of public notice or neighbour notifications. In doing so it is necessary to decide which representations are material to the decision to be made, and, if so, what weight to attach to them. A conclusion should not be reached until all the facts have been presented in the report and considered at Committee.

4. **ROLE OF ALL PLANNING COMMITTEE MEMBERS TRAINING**

4.1 The London Borough of Enfield is required by its constitution to provide training to all Members of the Planning Committee within one month of their appointment to the Planning Committee to enable them to sit on the Planning Committee. The Government endorses this approach and has suggested a syllabus for this training which can be seen at Appendix C. The Development Management section endeavours to make additional training available for Members of the Planning Committee on a variety of topics of relevance usually as bimonthly briefings carried out by officers.

4.2 The planning system relies on Planning Committee Members and Officers acting in a way that is fair, and is clearly seen to be so. Planning decisions must be taken openly, fairly, with sound judgement and for justifiable reasons.

4.3 Councillors have two roles in the planning system:

- they make decisions about planning applications, and
- they act as representatives of public opinion in their communities and convey and defend decisions of the Authority to their constituents.

4.4 Planning Officers responsible for the preparation of written reports and for advising Members at the Committee meetings will be qualified to an appropriate level in Town Planning. Whether or not they are members of the Royal Town Planning Institute (RTPI), they will be required to undertake continued professional development to a level required by the RTPI.

4.5 Training for Members of the Planning Committee takes various forms, including an intensive introductory training session, officer briefings, written notes, updates and guidance on new and emerging policy,

legislation and other planning issues. A record will be kept of all Members' training and attendance.

- 4.6 The advantages of these training and briefing sessions are that Members do not have to travel far to receive the training, it can be tailored to the particular issues faced by the Authority, it is relatively cheap and can be laid on at times to suit particular Members. However, internal training may be combined with external training so that Councillors gain a wider perspective and see how the same issue is tackled by other Authorities. A record will be kept by the Head of Development Management of the training undertaken by each Member.
- 4.7 The Head of Development Management will give newly elected Councillors a copy of this guidance along with the Planning Handbook.
- 4.8 The delivery of the Development Management Service will be monitored and reports on performance will be made to the Planning Committee at 6 monthly intervals. The Development Management protocols will be reviewed on an annual basis.

5. PRE-COMMITTEE MEETINGS

- 5.1 Pre-application meetings between potential applicants and Planning Officers are encouraged by the Council, and can be of considerable benefit to both parties. There is a well established and successful pre-application advice service already in operation.
- 5.2 It should always be made clear at the outset that discussions will not bind the Council to making a particular decision.
- 5.3 Any Member of the Planning Committee receiving a request to attend or organise a meeting to discuss a proposal must refer the request as soon as possible to the Head of Development Management. This is to ensure that Officers can also be present at the meeting and that all parties are given an equal opportunity to present their point of view. Members will decline to attend meetings which are to be conducted other than in accordance with details as outlined in Appendix D. Conducting these pre-application meetings in accordance with Appendix D will protect the Member and the Council against adverse perceptions.
- 5.4 Where an applicant or any other interested party requests a meeting with any Member of the Planning Committee to discuss a proposal in advance of its determination by the Committee the following general principles shall be observed.

- (i) The meeting shall take place at the Council offices and shall be arranged through the Planning & Environmental Protection Division.
- (ii) Officers will also attend the meeting and no meeting shall occur without the presence throughout of officers.
- (iii) A written record will be made of what was discussed at the meeting and those present will be advised of this. It may then form part of the discussion when considering the various issues.
- (iv) All such meetings will be conducted on the strict understanding that any view or opinion expressed by Officers, the Chairman, Vice Chairman and any other Member present, is not binding on the Council and any formal decision can only be made by the Committee once it is in possession of all the material considerations. This must be expressly stated at the start of the meeting.

5.5 Where a Member receives any written representations these should be passed on to the Head of Development Management and the Committee Administrator within 48 hours of receipt in order that it may be brought to the attention of the Committee. Members should minimise their social contacts with developers and agents and refrain altogether from such social contact when the Member concerned is likely to be involved in deciding a particular matter in which the developer or agent has an interest.

5.6 The above advice is directed towards Members of the Planning Committee rather than other Members.

6. **HOSPITALITY**

6.1 Because of the interests involved, the acceptance of gifts and hospitality from developers or objectors is likely to lead to allegations of impropriety. Members and Officers should reject any offers or gifts, hospitality or future favours made personally or to the Committee or Council generally. Great care must be exercised.

6.2 Where approaches are made details should be forwarded to the Assistant Director of Corporate Governance in writing. Any offers of hospitality shall be recorded and sent to the Monitoring Officer and Assistant Director of Corporate Governance.

7. **LOBBYING**

7.1 Although lobbying is an acceptable and normal part of the political process, it can lead to questions about whether a Councillor is being honest and impartial.

7.2 Members of the Planning Committee may respond to lobbying and engage in pre-application discussions at their discretion as long as the procedures in Appendix D are complied with but must expressing views in advance of the consideration of all material factors of a case at Committee.

7.3 A copy of the code is contained in Appendix D (See also paragraph 5.3 – Pre Committee Meetings). Failure to adhere to these guidance notes may give rise to the perception of a prejudicial or personal interest which may limit Members participation at planning committee. Advice can be sought from the legal section.

8. **SITE VISITS**

8.1 Members of the Planning Committee should only request a site visit where the impact or effect of the proposed development is difficult to visualise from the plans, photographs and other documents available to the Committee or where there is some physical aspect of the proposal which cannot be adequately addressed in Committee without a site visit. Site visits help Members of the Planning Committee to learn more about an application before they make their decision. Committee site visits shall be undertaken in appropriate cases with an Officer always in attendance. The purpose of Committee site visits shall principally be to view and obtain information about the site and its surroundings. This will help Members of the Planning Committee to understand comments made by the applicant and objectors. If there is third party/applicant attendance Members of the Planning Committee may hear representations but should not give comment or enter into discussion. A record of the site visit and findings shall be kept, noted in the subsequent Committee report and listed on a background paper.

8.2 Appendix E sets out guidance on how site visits shall be conducted. Ward Councillors may attend the Site Visit but must adhere to the guidance set out in Appendix E.

8.3 The deferral of an application for a site visit shall be to aid the consideration of the matters before the Committee. This should be reasonable and the reason for deferral should be fully minuted.

9. **PLANNING COMMITTEE : TAKING THE DECISION – OFFICER REPORTS AND RECOMMENDATIONS TO COMMITTEE**

9.1 An Officer of the Council will provide to the Planning Committee a report setting out the relative merit or otherwise of a particular proposed development and will make a recommendation. This is based on their expert professional opinion. Members should not in any way

attempt to influence the contents or recommendation of an Officer's report to Committee.

- 9.2 Reports prepared for the Committee form the basis on which Members' decisions are made. They may be subject to close scrutiny by the Planning Inspectorate, the Ombudsman or the High Court and will need to be explained and justified by the preparing officer. The report should be clear and accurate and include an exposition of the Development Plan, Site and Relevant History, the substance of objections and the views of consultees and all material considerations. The report should contain a technical appraisal, which justifies the recommendation. The decision maker should be able to reach a proper conclusion from the report alone.
- 9.3 Verbal updating at Committee is acceptable but a written note of any changes to the recommendation should be circulated where possible.
- 9.4 The Planning Committee may receive, at the discretion of the Chair, in person deputations in relation to a proposed development.
- 9.5 Any report recommending a departure from the Development Plan must be clearly marked as such and must give full and clear justification for such departure.
- 9.6 Members of the Planning Committee will consider the Officer's report, any updates to the Officer's report and deputations made to the Committee. Members may disagree with the Officers recommendation. When a motion is put which is contrary to the Officer's recommendation, the proposer must state clearly the planning justification in support of the proposition and, as appropriate, the reasons for approval, refusal, or the imposition of any condition. The final formal wording of such reasons or conditions can be delegated to the Assistant Director of Planning & Environmental Protection and shall appear in the official minutes of the meeting.

10. **COMMITTEE PROCEDURES**

- 10.1 Planning applications shall be determined in accordance with the approved scheme of delegation.
- 10.2 The Agenda for Planning Committee shall be made available to the public at least 5 clear working days prior to the date of the Committee as required by Section 100B of the Local Government Act 1972 (as amended by the Local Government (Access to Information) Act 1985).
- 10.3 The Agenda for Planning Committee shall include a list of:

- All applications to be determined by the Committee with a recommendation from the Assistant Director of Planning and Environmental Protection.
 - All delegated decisions since the previous Committee
 - All Appeals and decisions received.
- 10.4 The Planning Committee shall operate in accordance with the procedures outlined at Appendix F which will be produced in full on each agenda.
- 10.5 If any application is deferred for determination at a later Committee the reasons for this shall be stated before the vote is taken and this will be fully minuted. If an application is deferred at the request of a Member of the Committee, this shall be proposed and seconded. This will include those deferred for site visits.
- 10.6 If the Committee decides to grant or refuse permission against the officer's recommendation they should give their reasons for doing so. This will then be recorded in the minutes and will have to be substantiated at any appeal or judicial proceedings.
- 10.7 If any Member wishes to refer an application to the planning committee they must follow the following steps:
- (i) The requests must be made in writing to the Assistant Director of Planning and Environmental Protection within 21 days of the circulation of details of the application (weekly list)
 - (ii) The Chairman of the Planning Committee has the discretionary power to agree or disagree with the call in request from any Member

11. **MONITORING OF DEVELOPMENT**

- 11.1 Periodic site visits will be conducted to enable Members of the Committee to monitor the quality of planning permissions granted. A briefing note will be prepared by the Assistant Director of Planning & Environmental Protection for each such visit. The purpose of this is to review overturned recommendations.

12. **COMMITTEE MEETINGS**

- 12.1 A Member of the Planning Committee who does not have significant personal or pecuniary interest can nevertheless have had contact with an interested party in the planning matter which is before the Committee to determine. That contact shall be disclosed to the Committee at that meeting and the Member should avoid pre-determining their position.

- 12.2 Members and Officers are required by law to have regard to all material considerations and to make a determination in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.3 Members and Officers should only address their minds to planning considerations and shall disregard non-planning considerations when considering applications and other planning matters.

13. **DECLARATIONS OF INTEREST**

- 13.1 Members of the Planning Committee should consider each matter on its individual merits and should not give the impression that they individually or as a political group have already come to their decision before all the material considerations have been taken into account.
- 13.2 Whilst Members of the Planning Committee are free to discuss their opinion on planning matters at political group meetings, decisions shall not be made on how to vote on particular applications prior to the Committee meeting concerned.
- 13.3 The law and the National Code of Local Government Conduct set out requirements and guidance for Councillors, respectively, on declaring pecuniary and non-pecuniary interests and the consequences of having such interests. These must be followed scrupulously and Councillors should review their personal situation regularly. When doing so it must be borne in mind that the National Code advises that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. The responsibility for this rests individually with each Councillor.
- 13.4 Where a Member of the Planning Committee has had any personal involvement with an applicant, agent or interested party which could leave an observer with the impression that the involvement could affect the Member's judgement in any matter coming before the Committee related to that applicant, agent or interested party, the Member concerned shall declare an interest. There are two types on interest:
- 13.4.1 Personal interest: is one which affects the Councillor, the members of the Councillor's family or their close associates more than it would a member of the public. A personal interest should be declared in the matter and the Councillor may continue to consider the application at Planning Committee.
- 13.4.2 Prejudicial Interest: A personal interest may be a prejudicial interest if the item under discussion affects the Councillors financial interests or it relates to a licensing, planning or regulatory matter and a member of the public knowing all the relevant facts would think that the interest was so significant as to prejudice the Councillors judgement of the

item. A prejudicial interest should be declared at the outset of the meeting or when it becomes known. A Member with a prejudicial interest may speak at the Planning committee meeting but they should withdraw after they have spoken. This is to ensure they do not influence other Members of the committee

- 13.5 A Member of Planning committee who considers either that they have, or may be perceived to have, predetermined their position on a particular item should not take part in the consideration or determination of that matter. The Member should declare their predetermined position at the outset of the meeting. In the event that the Member wishes to address the committee on the application, then, at the discretion of the chairman they may do so. When the affected Member has finished speaking the Member should leave the room.
- 13.6 Members of the Planning Committee who are unsure as to whether to declare an interest, should ask the Assistant Director of Legal Services and/or the Assistant Director Corporate Governance for advice, although the Member must make the final decision.
- 13.7 Where appropriate, the Standards Committee may provide a dispensation by way of an exception in circumstances where Members of the Planning Committee declare an interest by virtue of a political membership.

14. DEVELOPMENT PROPOSALS SUBMITTED BY MEMBERS AND OFFICERS

- 14.1 Where known, applications by any Member, any Senior Manager or Officer of Development Management Services or their spouses / partners must be dealt with by the Committee. This rule will apply regardless of whether the application is in line with policy, is not controversial, or falls within the scheme under delegated powers.
- 14.2 Members and Officers who have made applications which are before the Committee for consideration must declare their interests, and then leave the room whilst the application is being considered.

15. PLANNING OBLIGATIONS

- 15.1 Where a planning obligation (usually known as a 106 Agreement) is required or offered in connection with any development proposals the Council may negotiate these agreements with developers for them to provide local community facilities if the Council agree to the development.

- 15.2 Officers will negotiate with developers and applicants in appropriate cases. Members of the Planning Committee may be involved in discussions. Reports to the Planning Committee must include a summary of the main points of the proposed agreement between the Council and developer.
- 15.3 Once a planning obligation has been completed it will be entered in a register maintained by the Council and be available for inspection by the public unless there is a need to respect confidential or commercially sensitive information.
- 15.4 Members of the Planning Committee receive regular reports on Section 106 contributions to scrutinise and monitor performance, delivery and outcomes.

16. **COMPLAINTS**

- 16.1 The Council has a system for reviewing and dealing with complaints. It operates a formal complaints procedure, details of which are available from any of the Council's reception offices at the Civic Centre, Silver Street, Enfield. In cases of maladministration, the Local Government Ombudsman may be contacted on PO Box 4771, Coventry, CV4 0EH or by emailing advice@lgo.org.uk.

17. **PUBLIC ATTENDANCE AT COMMITTEE MEETINGS**

- 17.1 The Nolan Committee suggests that it is good practice to allow opportunities for applicants, objectors and interested parties to make presentation to the Planning Committee on the basis that this enhances public confidence and direct lobbying may be reduced.
- 17.2 The practice is set out in Appendix G should apply to everyone including residents, applicants, agents and developers. Separate arrangements exist for Members not appointed to the Planning Committee to address the Committee.

18. **PLANNING COMMITTEE**

- 18.1 The Planning Committee normally meets every fourth Tuesday at 7:30pm in the Civic Centre, Silver Street, Enfield to consider all planning applications that have not been determined under delegated powers. A copy of the scheme of delegation is available from the Environment Direct reception in the B Block reception of the Civic Centre.

- 18.2 The agenda for the Planning Committee is prepared so that it is available for public inspection at least 5 full days in advance of the Committee.
- 18.3 The Planning Committee would normally make one of the following decisions on applications placed before them:
- approval of the proposal with or without conditions or the requirements to enter into Section 106 Agreements;
 - refusal of the proposal;
 - referral to the Mayor of London with a recommendation to approve;
 - deferral for a Site Visit;
 - deferral for further specific negotiations between the applicant and the Council;
 - deferral for specific additional information.
- 18.4 Public speaking is intended to aid Members to make an informed decision and to ensure that the Council's procedures accord with Human Rights Legislation and the principles of Best Value.
- 18.5 Following any deputations and a general discussion on the merits of the application the formal decision making process is as follows:
- 18.6 The first motion is to :-
- (a) to accept the Officers recommendation, and
 - (b) to grant planning permission
- 18.7 If Members vote not to accept the officer recommendation then a second motion is made to
- (a) to reject the officers recommendation
- 18.8 Following this there would be a further discussion of the reasons and a further motion is made to either:-
- (i) grant permission with different reasons
 - (ii) refuse permission with reasons
 - (iii) defer for a site inspection panel
 - (iv) defer the application to request further information
 - (v) defer for officers to draft robust reasons
- 18.9 Members need to make their vote clear by raising their hands up and the votes will be counted

Appendix A

Code of Practice for Members and Officers – Main Elements

It is recommended that the following statements form the basis of this Code of Practice.

- (i) Members shall at all times act in accordance with the current statutory and/or national and local code/s of Local Government conduct.
- (ii) The successful operation of the planning system relies on ensuring that Officers and Members act in a way which is not only fair but is clearly seen to be so. Members have a particular duty to represent their constituents, but also an overriding duty to the wider community. They should act in the interests of the general public in relation to planning matters. However, there is no reason why a local Member should not participate in the decision making process for a particular planning application, provided they abide by this code.
- (iii) The role of the Planning Officer is to advise and assist Members in matters of planning policy and their determination of planning application by providing impartial, professional advice. They will ensure that all the necessary information for a decision to be made is provided together with a clear and accurate analysis of the issues including setting the application against the Development Plan policies and all other material considerations. All reports to Members will contain a clear recommendation.
- (iv) The Council endorses the Royal Town Planning Institute (RTPI) Code of Conduct, (Appendix B), and in particular that RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions. All officers in the Authority advising on planning matters are expected to act in accordance with the RTPI Code of Conduct whether or not they are RTPI members. Members of the Council should respect these professional responsibilities at all times.

Appendix B

The Royal Town Planning Institute Code of Professional Conduct

The Chartered Object of the Royal Town Planning Institute is to advance the science and art of town planning for the benefit of the public. It is the purpose of this Code to ensure that in all their professional activities members of the Royal Town Planning Institute:

- (a) shall act with complete competence, honesty and integrity;
- (b) shall fearlessly and impartially exercise their independent professional judgement to the best of their skills and understanding;
- (c) shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;
- (d) shall not discriminate on the grounds of race, sex, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity;
- (e) shall not bring the profession or the Royal Town Planning Institute into disrepute.

To this end the Council has drawn up the undermentioned numbered clauses which spell out in more detail the requirements of this Code. These requirements shall apply notwithstanding any permission or agreement to the contrary by or with the client or body employing or consulting any member. In this Code the word "member" means every corporate member, non-corporate member, honorary member and students of the Institute. Words purporting the singular number include the plural and vice versa.

- (i) Members shall take all reasonable steps to maintain their professional competence throughout their working lives and shall comply with the Council's continuing professional development regulations as amended from time to time.
- (ii) Members who, as employers or managers, have responsibility for other members shall take all reasonable steps to encourage and support such other members in the maintenance of professional competence and in compliance with the Council's continuing professional development regulations.
- (iii) In their professional activities members shall not discriminate on the grounds of race, sex, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity.
- (iv) Members shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions and shall not knowingly enter into any contract or agreement which requires them to do so.

- (v) Members shall take all reasonable precautions to ensure that no conflict of duty arises between the interests of one employer or client and another, or between the interest of any employer or client and the interests of themselves or their firms or business associates. Any such conflict shall be immediately reported and subsequently confirmed in writing to all parties concerned.
- (vi) Members shall not disclose or use to the advantage of themselves, their clients' information acquired in confidence in the course of their work.
- (vii) Members shall disclose to their employers or clients any discounts, gifts or commissions received from any third parties in connection with their work as professional planners.
- (viii) Before commencing work on any commission members shall ensure that their terms of engagement have been given and confirmed in writing to their clients and shall satisfy themselves that these terms have been accepted.
- (ix) Members shall notify their clients in writing before undertaking work or incurring fees or expenses additional to those previously agreed and shall satisfy themselves that the necessary instructions have been received.
- (x) When accepting instructions from private individuals members shall ensure that the services offered are appropriate to the individual's requirements.
- (xi) The Council may from time to time publish supplementary regulations relating to such matters as continuing professional development, planning aid, professional indemnity insurance, professional designations or direct professional access to the Bar, and members shall comply with any such regulations.
- (xii) Members with responsibility for the work of a company or of a practice or partnership or of a local planning authority or of any central government department or agency or of any other organisation or body any of which is engaged in town planning work, or for the work of any department, section or team within any such organisation or body, shall take all reasonable steps to ensure that all town planning matters in the organisation or body, or within that part of the organisation or body for which they have responsibility, are conducted in accordance with this Code, whoever undertakes such work.
- (xiii) Members practising outside the United Kingdom and Ireland shall order their professional conduct in such a way as to uphold the status and integrity of the Royal Town Planning Institute and the profession of town planning.

Appendix C

External Planning Advisory Service Training Modules

The Planning Advisory Service provide online guidance and advice on their website www.pas.gov.uk . Members are encouraged to view these guidance and briefing notes as a valuable reference in addition to the in house officer training and briefings. The most relevant area pertains to Development Management and this module includes sections on

- The culture of development management
- Pre application advice
- Resourcing implications
- Councillor Involvement in Development Management

Appendix D

Lobbying and Members

Elected Members, when approached by an individual or group in respect of either a current or proposed application should:

- Listen to and note the facts and opinions expressed;
- Advise the lobbyists to submit these views in writing to the Assistant Director of Planning & Environmental Protection;
- Explain the decision making process of the Council;
- Avoid giving, or appearing to give, any commitment as to the likely outcome of the proposal;
- Make it clear that any opinion given is personal and not the position of the Assistant Director of Planning & Environmental Protection;
- Pass on information of any such discussions to the Assistant Director of Planning & Environmental Protection;
- Declare any contact under these circumstances at the relevant Committee before any vote is taken.

Elected Members may be requested to meet with prospective applicants or other interested parties. Such meetings should not be common practice. However, when such meetings are held Members of the Planning Committee should:

- Advise the Head of Development Management of the intention to hold such a meeting;
- Discuss the need for an officer to attend;
- Ensure that an accurate record of the meeting is provided in writing to the Assistant Director of Planning & Environmental Protection to include within the application file;
- In accordance with the National Code of Conduct, Members should avoid placing themselves in a position that could lead the public to thinking they are seeking preferential treatment for themselves, for relatives or friends or any firm or body with which they are personally connected.

Appendix E
Code Of Conduct
Planning Committee Site Visits

- 1 All site visits to be undertaken by the Planning Committee will be determined by the Chair of the Committee prior to the finalisation of the agenda for any particular meeting. A site visit will be used only when a proposal is contentious or particularly complicated and when in the Committee's view the expected benefit in assisting the Committee to determine the application is substantial. The nature of that expected benefit shall be minuted as the reason for the decision to make a site visit.
- 2 A site visit will normally take place immediately preceding the next Committee meeting following the decision to make the visit and should be arranged by the planning case officer.
- 3 The applicant, the occupiers and the owners of private land to which access is desirable to consider the application shall be notified in writing and prior agreement shall be obtained if possible. The written notice shall make it clear that at the site visit only factual information or answers relating to the recorded matters which have caused the visit to be made may be given. No lobbying will be permitted.
- 4 Members must not talk individually with applicants, objectors or others in the course of a site visit. So far as practicable, information, question and answers should be given in the hearing of all members in attendance. The ward councillors will also be notified of and able to attend site visits.
- 5 A note shall be made of members attending site visits.
- 6 The Committee will arrive on time at the site.
- 7 Site visits do not commence until the Chair or his nominated substitute and the authorised officer of the Council has arrived on site.
- 8 The Chairman of the Committee will introduce the participants and explain the purpose of the inspection making it clear that the panel is not authorised to make a decision on the application.
- 9 The authorised Case Officer will set out the main issues relating to the application, i.e. what the application involves, relevant planning policies, the main grounds of objection and relevant responses from consultees.
- 10 There will be an opportunity for Members of the Committee to ask questions to the officer.

- 11 The site meeting will be conducted with all those attending remaining together as a single group throughout. No lobbying will be permitted.
- 12 Documents, letters, or positions concerning the planning issues or the site visit from any party will not normally be accepted at any site visit.
- 13 The Chair will terminate the meeting and the Committee will depart.

Appendix F

All applications reported to Committee have been considered and determined in accordance with principles set out in:-

The Human Rights Act; Section 17 of the Crime and Disorder Act; The report on the Lawrence Inquiry.

- 1 Full written reports are included for consideration by the Committee. Planning officers will make further comments or representations to the Committee where he feels this will add to the consideration of matters by Committee. All items will be considered in the order on the printed agenda unless the Chairman is made aware of a large public presence in respect of a particular item when, with the Committee's agreement, the order may be changed.
- 2 Other than Members of the Committee, other Councillors, with the prior agreement of the Chairman, officers of the Council and those registered to make deputations, no one else will be allowed to address the Committee. The Committee will determine applications in accordance with the recommendation of the Assistant Director of Planning & Environmental Protection unless they consider material considerations override this recommendation. In order that the process is fair and transparent the Chairman shall carry out the following steps:
 - (i) Invite Members of the Planning Committee to vote on the recommendation outlined in the report
 - (ii) If Members of the Planning Committee vote not to agree with the officer recommendation then Members need to make one of the following decisions
 - (a) Encourage the formation of tentative reasons for approval or refusal by discussing a predisposition with planning officers
 - (b) Writing down the reasons as part of a mover's motion;
 - (c) If a very strong objection from officers on validity of reasons, Members should consider deferring the matter to another meeting to have the putative reasons tested and discussed
 - (d) If no strong objection the Chair may invite a Member vote on any of the following outcomes
 - (i) overturn the recommendation
 - (ii) defer the application for putative reasons to be tested and discussed among officers
 - (iii) defer the application for a site visit
 - (iv) defer the application for further negotiations to address the committee's specific concerns
 - (v) defer the application for further information to be submitted to address the committee's specific concerns

- 3 If the planning committee makes a decision contrary to the officers' recommendation (whether for approval or refusal), a detailed minute of the committee's reasons should be made and a copy placed on the application file. Thus, members should be prepared to explain *in full* their reasons for not agreeing with the officer's recommendation. The officer should also be given an opportunity to explain the implications of the contrary decision.
- 4 After each application has been considered the Chairman will state the outcome of the application.

Appendix G

Procedures for Public Speaking

1. Public speaking will only be permitted where the applicants, objectors, developers or agents' comments have previously been submitted in writing and the procedure for registering to speak has been complied with. Details of current procedure can be obtained from Democratic Services.
2. The Assistant Director of Corporate Governance must be notified by Midday on the day before the Committee meeting. This can be in writing or by e-mail or by telephone. Details including the name, address, and day-time contact number must be left.
3. At the discretion of the Chairman objectors have a total of five minutes, or this time can be split amongst objectors for two or more objectors, to address Committee. If other people have requested to speak on an item details will be provided and then it will be decided on how their views are presented. Any deviation on this would be at the discretion of the Chair of Planning Committee.
4. Public speaking will be permitted whenever the application is considered by the Planning Committee, i.e. if the application is deferred a further address to Committee will be permitted in certain circumstances i.e if the application was deferred for additional information. Normally no further deputations will be heard if the application had previously been deferred for a Site Inspection Panel.
5. Those people addressing Committee will be advised when they have 30 seconds of their allotted five minutes remaining and will be expected to cease talking immediately on being advised that the five minutes is up.
6. Ward Councillors are also afforded 5 minutes to make a deputation.
7. Those people who have advised the Assistant Director of Corporate Governance of their desire to address Committee are requested to identify themselves to the Committee Clerk 15 minutes before Committee commences. This will enable the order of the discussion of items on the agenda to be varied at the Chairman's discretion if it is appropriate.
8. The discussion on applications will be in the following order:
 - (i) Chair of Planning to announce the application
 - (ii) Planning officers will present the item
 - (iii) Objector to address Committee
 - (iv) Ward Members (not on Planning Committee) to address Committee
 - (v) Applicant/agent to address Committee

- (vi) Planning officers or if appropriate other Council officers to respond to any issues raised
- (vii) Members questions and debate
- (viii) Planning officers or if appropriate other Council officers to respond to any issues raised
- (ix) Proposition
- (x) Vote
- (xi) In addressing the Committee applicants, agents, supporters and objectors are requested to restrict their comments to issues which are material planning considerations. Advice on what constitutes a material consideration may be obtained from the Development Management Service.