

PROTOCOL FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

Revised on 21 May 2019

1 INTRODUCTION

- 1.1 The Third Report of the Committee on the Standards in Public Life (the Nolan Committee) emphasised that Members should observe seven principles of public life, i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 The protocol applies to all Members irrespective of whether he or she is a member of the Planning Committee.
- 1.3 The protocol is supplemental to the Members Code of Conduct. Regard must therefore be given to the relevant provisions in the Members Code of Conduct.

2 LOBBYING OF MEMBERS

- 2.1 Lobbying by applicants and objectors is accepted as a normal part of the political process and can take the form of public and private meetings, formal presentations or correspondence. However, it should not occur to such an extent that it compromises the impartiality of the planning process.
- 2.2 While Members may acknowledge their constituents' concerns, they should remain impartial and invite their constituents to attend the Committee meeting where their views may be heard and considered by all Members of the Planning Committee.
- 2.3 Members should not offer an opinion so that the application may be debated and considered during the Planning Committee meeting this will allow for openness and transparency and prevent the risk of the Town Council being accused of pre-determination.
- 2.4 Invitations to individual Members of the Planning Committee to attend presentations or meetings should be declined.
- 2.5 If a Member receives correspondence from an applicant or a third party it should be passed on to the Clerk for inclusion and consideration during the Committee meeting.

3 LOBBYING BY MEMBERS

- 3.1 As a general rule Members should not organise support for or against a particular application and should not lobby other members. Members who go

public in favour of a particular outcome could not argue that they approached a particular application with an 'open mind'. The exceptions to this are:

- Ward Members who are not on the Planning Committee who wish to reflect their constituents' views
- Members of the Planning Committee who wish to promote a particular view and therefore disbar themselves from voting.

3.2 Ward Members who are not on the Planning Committee may reflect their constituents' views on a planning application by making representations, attending and speaking at a meeting (but not be able to vote). Any representations should relate only to the planning merits of an application.

4 APPLICATIONS BY MEMBERS AND OFFICERS

4.1 While it is legitimate for Members and Officers and/or their near relatives to submit planning applications, such applications will be reported to the Planning Committee.

4.2 Neither the Member nor Officer shall take part in the decision-making process and will be required to leave the room.

4.3 Members who regularly act as agents for people pursuing planning matters should not serve as Members of the Planning Committee.

5 SITE VISITS

5.1 Members may view the site of a planning application from areas that are **accessible to the public**. **In no circumstances should a Member enter land without the permission of the landowner and the occupier**. If the landowner or occupier is present, Members should bear in mind the advice on lobbying.

6 DECISION MAKING

6.1 A Member should never indicate how they intend to vote in advance of the Committee Meeting. A Member may hold and even express strong views but in doing so should make it clear that they are keeping an open mind until they have heard all the relevant considerations.

6.2 When making representations on behalf of their constituents, Members should make it clear that it is their constituents' views and not the Member's own that are being expressed. Any representation should not unfairly promote the views of one group against another.

6.3 Decisions should be based on material planning considerations a list of which will be issued to Planning Committee Members.

7 INTERESTS

- 7.1 It is a fundamental principle that those who have a significant interest in the outcome of a particular planning application should not make decisions relating to that application.
- 7.2 No-one who will be affected by the outcome of a planning application, or whose spouse, family member, business associate or friend will be affected, may take part in either the decision making or the representations relating to a planning application.
- 7.3 Declarations of Interest in a particular planning application should be made prior to the Committee meeting or at the time under the Declarations of Interest item on the agenda.
- 7.4 While a Declaration of Interest does not debar a Member from participating in the discussion, where the interest is categorised as prejudicial, the Member should withdraw from the meeting.
- 7.5 The responsibility for making declarations rests with individual Members.
- 7.6 A Member who is a member of the District Council Planning Committee should not participate in the Town Council's determination of comments on planning applications.
- 7.7 Officers who discover that they have an interest in a particular planning application should leave the room whilst the application is being considered.

8 MEMBER TRAINING

- 8.1 Members need to have an adequate knowledge of the planning process. The Town Council will arrange training for members new to the Planning Committee following their appointment in May of each year. In addition, training sessions to update members of the Committee on changes in planning guidance and legislation will be arranged as necessary.

9 OFFICERS

- 9.1 While pre-application discussions with Officers can be helpful they should remain within the criteria laid down as genuine planning considerations.
- 9.2 Any advice offered by an Officer cannot bind the Town Council in respect of any decision.

