



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Standards Committee

**Thursday, 18 July 2013  
11.00 am  
Montpellier Room - Municipal Offices**

<b>Membership</b>	
<b>Borough Councillors:</b>	Wendy Flynn (Chair), Anne Regan (Vice-Chair), Les Godwin, Garth Barnes, Bernard Fisher, Simon Wheeler and Jacky Fletcher
<b>Independent Members:</b>	Duncan Chittenden and Martin Jauch

### Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES OF THE LAST MEETING** (Pages 1 - 6)  
To approve the minutes of the meeting held on the 11  
December 2012
4. **PLANNING PROTOCOL** (Pages 7 - 22)  
Report of the Borough Solicitor and Monitoring Officer on the  
proposed review of the Planning Code of Conduct
5. **LOCALISM ACT 2011 - IMPLEMENTATION OF CONDUCT  
REGIME**  
The Monitoring Officer will provide a short verbal update on  
the implementation of the Conduct Regime
6. **LOCAL GOVERNMENT ACT 1972 - EXEMPT  
INFORMATION**  
The Committee is recommended to approve the following  
resolution:

“That in accordance with Section 100A(4) Local Government  
Act 1972 the public be excluded from the meeting for the  
remaining items of business as it is likely that, in view of the  
nature of the business to be transacted or the nature of the  
proceedings, if members of the public are present there will

be disclosed to them exempt information as defined in paragraphs 1 and 2 of Part 1, Schedule 12A (as amended) Local Government Act 1972, namely: Information relating to an individual/likely to reveal the identity of an individual

7. **EXEMPT MINUTES** (Pages 23 - 24)  
To approve the exempt minutes of the meeting held on 11 December 2012.
8. **REVIEW OF COMPLAINTS** (Pages 25 - 30)  
A report from the Monitoring Officer
9. **ANY OTHER BUSINESS**
10. **DATE OF NEXT MEETING**  
11 October 2013

**Contact Officer:** Rachael Sanderson, Democracy Assistant, 01242 775153  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

### Standards Committee

**Tuesday, 11th December, 2012  
2.00 - 3.15 pm**

<b>Attendees</b>	
<b>Borough Councillors:</b>	Garth Barnes, Jacky Fletcher, Wendy Flynn (Chair), Les Godwin and Anne Regan (Vice-Chair)
<b>Independent Members:</b>	Duncan Chittenden and Martin Jauch
<b>Also in attendance:</b>	Sara Freckleton (Monitoring Officer)

### Minutes

**1. ELECTION OF CHAIR AND VICE CHAIR**

The Monitoring Officer invited nominations for the position of chair and vice chair of the committee.

Councillor Flynn was nominated for chair by Councillor Barnes and seconded by Councillor Regan. Councillor Regan was nominated for vice chair by Councillor Godwin and seconded by Councillor Fletcher.

Upon a vote it was unanimously

**RESOLVED that Councillor Flynn and Councillor Regan be appointed as chair and vice chair respectively.**

**2. APOLOGIES**

Councillor Wheeler had given his apologies.

**3. DECLARATIONS OF INTEREST**

Councillor Regan declared that she is a member of Leckhampton with Warden Hill Parish Council.

**4. LOCALISM ACT 2011 - IMPLEMENTATION OF NEW CONDUCT REGIME**

The Monitoring Officer introduced the report which aimed to inform members of progress following the adoption of the Code of Members' Conduct and new arrangements for the investigation and determination of complaints.

Two Independent Persons had been appointed as co-opted non-voting members of the committee, a statutory role which would support the Monitoring Officer in consideration of complaints. Both the Independent Persons had a number of years experience in such conduct matters, with Mr Duncan Chittenden who had previously been a member of the Standards Committee at CBC and Mr Martin Jauch who had under the previous regime been Chair of the Standards Committee at Cotswold District Council. The basic principles remained unchanged as the Council had adopted a Code of Conduct which included similar provisions to the previous Code. The Council had also decided, in the absence of a requirement for complaints to be referred to a Committee or Sub-Committee, to delegate determination of complaints, subject

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to certain safeguards, to the Monitoring Officer in an effort to make the process far less bureaucratic. However there was still a Hearing Sub Committee which would consider more serious or complex complaints. It is in the interest of the committee and Council as a whole to make the new regime which is one of local choice, work.

Mr Chittenden introduced himself and explained that as well as being a member of the previous Standards Committee at CBC, he had also been Chairman of the Police Authorities Standards Committee. He had worked with the Monitoring Officer for some time and had developed a good working relationship.

Mr Jauch introduced himself and explained that having been a member of the Standards Committee at CDC for some four years he had been involved in some large scale and contentious complaints. He was looking forward to working under the new regime as he had found the previous regime to be slow and unwieldy. He felt confident that the Independent Persons position would defend against any suggestion that the Council was protecting themselves and felt that this independence could also be used in an innovative way.

The new arrangements had now been in place since July 2012 and the Monitoring Officer was pleased to report that all Borough Councillors had now completed their Register of Interest (ROI) forms. There were some outstanding concerns from members especially those from Parish Councils namely; the disclosure of certain interests including those which relate to a spouse or civil partner and the requirement for the Monitoring Officer to publish the Register Of Interest forms on the internet. She had raised points of concern regarding data protection and human rights with the Government to which she was still awaiting a response and with the Information Commissioner who had provided a partial response. Pending receipt of these assurances the ROI forms had not yet been made available on the internet.

The Monitoring Officer gave the following responses to questions from members of the committee;

- The new legislation has introduced a new criminal offence for failure to comply with the disclosable pecuniary interest requirements. The Monitoring Officer sympathised with Parish Council members, most of whom had been elected or co-opted to Parish Councils well before the new provisions had been drafted. It was explained that the legislation applied to all tiers of Local Government and essentially aimed to ensure that members did not influence decisions on matters in which they had an interest. She was not aware that any of the local MPs were looking to overturn elements of the legislation and there was also no evidence that the disclosure requirements under the old regime had posed any problems locally. She reiterated that she had raised concerns regarding data protection and human rights and would circulate an update to members in due course.
- The Localism Act 2011 replaced Standards Committee Regulations 2008 and also those parts of the Local Government Act 2000 that were inconsistent with the Localism Act.
- Suspension of a member is not a sanction which is now available to the committee in cases where a member has failed to comply with the Code

of Conduct. The most serious offence regarding disclosable pecuniary interests could now result in criminal proceedings and anything else was reliant upon self discipline by authorities and members. The list of sanctions contained within the Terms of Reference simply indicated what sanctions are available and it would be for the committee itself to set specifics..

- The decision as to whether a report to Council regarding a complaint against any member was discussed publicly would depend on a number of circumstances and would be subject to the usual tests for determining whether or not a matter should be dealt with as exempt business. It would be for the committee to decide based on the advice given by the Monitoring Officer.
- There were limitations as to what the committee could do but their focus had been and should continue to be helping members to understand what is expected of them, to comply with the conduct requirements and therefore to avoid complaints and investigations. Members of the committee needed to help make it work for the users, and for the public for the benefit of the Council's reputation.

A number of members were disappointed with the sanctions available to the committee and felt that the risk of suspension acted as a deterrent to members, the same of which could not be said for the sanctions under the new regime.

Mr Chittenden understood members' points about sanctions but in the past he had found it to be the case that those under investigation found it rather a difficult experience which felt like a sanction in itself.

Upon a vote it was unanimously

**RESOLVED that the progress made so far by Cheltenham Borough Council and the Parish Councils within the Borough area for implementation of the new conduct arrangements be noted.**

## **5. COMMITTEE WORKPLAN**

The Borough Solicitor and Monitoring Officer explained that there were a number of protocols which complemented and supported the Code of Conduct that she felt the committee should be reviewing over a period of time. She suggested that some may be out of date and in some instances the committee might just like to satisfy themselves that they reflect the provisions of the current Code of Conduct and clearly demonstrate to the public how members will conduct themselves at meetings such as the Planning and Licensing Committees.

The Planning Protocol was important as was the Member/Officer relations protocol and the committee might in reviewing their provisions, wish to seek the views of those members using the Protocols. It was not felt to be necessary to delay a review of the Planning Protocol until the matter of the JCS had been concluded as it could be further amended at a later date if necessary.

In response to a query the Monitoring Officer reminded members that the Hearings Sub Committee would meet on an ad-hoc basis as and when required. She accepted that over time members may decide that there was little or no need for a Standards Committee but that its establishment under the new

regime was a public statement of the importance given by the Council in high standards of Member conduct. The previous regime was drawn out and offered no flexibility. However, under the new regime the Council had agreed a number of delegations and provided that a complainant was not entirely dissatisfied with the Monitoring Officer's decision (made in consultation with the Independent Persons) then this would simply be reported to the committee. It would be possible for the Council to revisit these delegations at some stage if there were any concerns.

Mr Chittenden felt that the existence of the Standards Committee was a statement to the electorate and it was for the committee to advocate the changes and communicate to the Council regarding what was happening. He also felt that it had a role to play in managing risk to the reputation of the Council.

Councillor Godwin felt that there was a risk of bringing the Council into disrepute when those that were found to have failed to comply with the Code of Conduct received no real sanctions.

The committee agreed that they would commence the review of the Planning Protocol at their next meeting.

**6. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**

Upon a vote it was unanimously

**RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 7C, Part 1, Schedule 12A (as amended) Local Government Act 1972, namely:**

**Paragraph 7C**

**Information presented to a Standards Committee, or to a sub-committee of a Standards Committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000**

**7. CONSIDERATION OF A REPORT**

The Monitoring Officer introduced the report which advised the committee of a decision taken in consultation with the Independent Persons.

**8. ANY OTHER BUSINESS**

There was no other business for discussion.

**9. DATE OF NEXT MEETING**

The next meeting was scheduled for the 28 February 2013 and members agreed that 2pm was a convenient start time for future meetings.

Wendy Flynn  
**Chairman**

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**Cheltenham Borough Council  
Standards Committee – 18 July 2013  
Review of Planning Code of Conduct**

<b>Accountable member</b>	<b>Cabinet Member, Corporate Services, Councillor Jon Walklett</b>
<b>Accountable officer</b>	<b>Borough Solicitor, Sara Freckleton</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	This report seeks the agreement of the Committee to the methodology and timescale for the review of the Planning Code of Conduct which was adopted by the Council in October 2006.
<b>Recommendations</b>	<b>That a “task and finish” working group of members and officers is established to review the Planning Code of Conduct and prepare a revised Code for consideration by the Standards Committee. The composition and terms of reference of the working group will be as set out at paragraph 3.3 of this report.</b>

<b>Financial implications</b>	No significant financial implications arising from the content of this report.  <b>Contact officer: <a href="mailto:paul.jones@cheltenham.gov.uk">paul.jones@cheltenham.gov.uk</a>, 01242 775154</b>
<b>Legal implications</b>	None arising from the report.  <b>Contact officer: <a href="mailto:sara.freckleton@teWKesbury.gov.uk">sara.freckleton@teWKesbury.gov.uk</a>, 01684 272011</b>
<b>HR implications (including learning and organisational development)</b>	No significant HR implications arising from the content of this report.  <b>Contact officer: <a href="mailto:julie.mcarthy@cheltenham.gov.uk">julie.mcarthy@cheltenham.gov.uk</a>, 01242 264355</b>

## 1. Background

- 1.1 At its last meeting, when considering its work programme, the Standards Committee agreed to commence a review of the Planning Code of Conduct at the next meeting. This report seeks approval for the methodology and timescale for the review.

## 2. Planning Code of Conduct

- 2.1 The Planning Code of Conduct which is attached as Appendix 1 to this report, was adopted by the Council on the 9th October 2006. Its purpose is to provide more detailed guidance for members involved in the planning process and it is intended to be complementary to the requirements of the Cheltenham Borough Council Code of Members' Conduct.
- 2.2 As the Committee will be aware, there have been significant changes to the Standards/Code of Conduct regime on two occasions since the adoption of the Planning Code of Conduct in 2006 and the document is, to that extent, out of date. In particular, the flowchart which is appended to the document is based on the Code of Conduct which was in place in 2006 and its terminology and content is incorrect. Consequently the flowchart has been removed from the Council's website. Nevertheless, the general tenor and thrust of the advice contained in the Planning Code of Conduct itself and the expected behaviours remain relevant and should continue to be observed whilst the document is reviewed.

## 3. Proposed methodology and timescale for review

- 3.1 In order for an effective review to be undertaken which takes into account both the planning and the conduct requirements it is suggested that a "task and finish" working group of members and officers be set up to review the Planning Protocol and to recommend changes for the approval of the Standards Committee. It will be necessary for the working group to review recent best practice and all relevant guidance from the Department for Communities and Local Government and other public and professional bodies.
- 3.2 The review, to include consultation with members both formally and informally and with officers, would commence in September 2013 and is likely to take approximately 3 – 4 months to complete.
- 3.3 It is proposed that the composition of the Working Group should be 3 Standards Committee Members, 3 Planning Committee Members and 3 Officers (2 Planning and 1 One Legal). Terms of reference are suggested as follows:-

"To review the Planning Code of Conduct and prepare a revised Code for consideration by the Standards Committee. The review will include consideration of any recent best practice and guidance from the Department for Communities and Local Government and other relevant professional and public bodies. The review will include consultation, as appropriate, with Members and Officers"

## 4. Reasons for Recommendations

- 4.1 To ensure that the Planning Code of Conduct is up to date and fit for purpose.

## 5. Consultation and feedback

- 5.1 The proposed methodology and timescale provides the opportunity to undertake relevant consultation.

<b>Report author</b>	<b>Contact officer: sara.freckleton@teWKesbury.gov.uk</b> <b>01684 272011</b>
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<b>Appendices</b>	1. Planning Code of Conduct
<b>Background information</b>	Report to and Minutes of the Council on the 9 <sup>th</sup> October 2006.  Planning Code of Conduct  Cheltenham Borough Council Code of Members' Conduct

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**PART 5**

Codes and Protocols

**Part 5D – Planning Code of Conduct**

**Introduction**

1. Relationship to the Members' Code of Conduct
2. Development Proposals and Interests under the Members' Code of Conduct
3. Fettering Discretion in the Planning Process
4. Contact with Applicants, Developers and Objectors
5. Lobbying of Councillors
6. Lobbying by Councillors
7. Site Visits
8. Public Speaking at Meetings
9. Officers
10. Decision Making
11. Training

## **Introduction**

**The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest.

**Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place.**

### **1. Relationship to the Members' Code of Conduct**

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision which may lead to that decision being quashed; and
  - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

### **2. Development Proposals and Interests under the Members' Code**

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of

the meeting and not just at the commencement of discussion on that particular matter.

- **Do then act accordingly. Where your interest is personal and prejudicial:-**
  - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
  - **Don't** try to represent your Ward views, get another Member to do so instead.
  - **Don't** get involved in the processing of the application.
  - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
  - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a personal and prejudicial interest in a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to make use of the public speaking scheme to address the meeting on the proposal and observe the meeting's consideration of it from the public gallery.)
  - **Do** notify the Monitoring Officer in writing where you are making an application for planning permission and note that:
    - notification to the Monitoring Officer should be made no later than submission of the application;
    - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
    - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee (*where permitted*).

### 3. **Fettering Discretion in the Planning Process.**

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

**Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:
  - you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:
    - another local or public authority of which you are a member; or
    - a body to which you have been appointed or nominated by the Council as its representative; or
  - you are a trustee or a company director of the body submitting the proposal and were appointed by the Council

you should always disclose a prejudicial as well as personal interest and withdraw.

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (for instance where you are also a member of the parish council, for example, or both a borough and county councillor), provided:
  - the proposal does not substantially effect the well being or financial standing of the consultee body;



- you make it clear to the consultee body that:
  - your views are expressed on the limited information before you only;
  - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
  - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
- you disclose the personal interest regarding your membership or role when the Planning Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances. If you do remain **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged the matter elsewhere, so that this may be formally recorded in the minutes.

Where you have fettered your discretion as above but you do not also have a Personal and Prejudicial Interest;

- **You may** exercise your separate speaking rights as a Ward/Local Member (where this has granted by the authority's standing orders or by the consent of the Chairman). Where you do so:
  - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the member seating area for the duration of that item; and
  - ensure that your actions are recorded.

#### **4. Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to officers. Planning is a constantly changing arena in the technical context any queries on such matters must be referred to your professional officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a

formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do otherwise:**
  - follow the rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

**5. Lobbying of Councillors**

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express either;
  - an intention to vote one way or another or,
  - such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure you comply with the provisions of the Code on Gifts and Hospitality at Part 5F of the Constitution.
- **Do** pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## **6. Lobbying by Councillors**

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and be required to withdraw from planning committee should it consider that matter.
- **Do** join general groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that

organisation and the Planning Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. **Site Visits**

- A site visit involves entering the site which is the subject of an application. Merely passing by the site and having a casual look is not normally regarded as a site visit.
- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any new information which you gain from the site visit is reported back to the case officer so that this officer can report this to all members of the planning committee if relevant.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site. It is important to ensure that site visits do not become an impromptu lobbying opportunity for the applicant or objectors.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, have regard to the provisions on Lobbying of Councillors in part 5 above and advise them that they may make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views on the application to anyone.

- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - You have been invited and feel it is essential for you to visit the site other than through an official site visit, and
  - you have first notified the Development Control Manager of your intention to do so and why (which will be recorded on the file) and
  - you have close regard to these good practice rules, and in particular Part 5 relating to Lobbying of Councillors, during the visit. .

#### **8. Public Speaking at Meetings**

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

#### **9. Officers**

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

#### **10. Decision Making**

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.

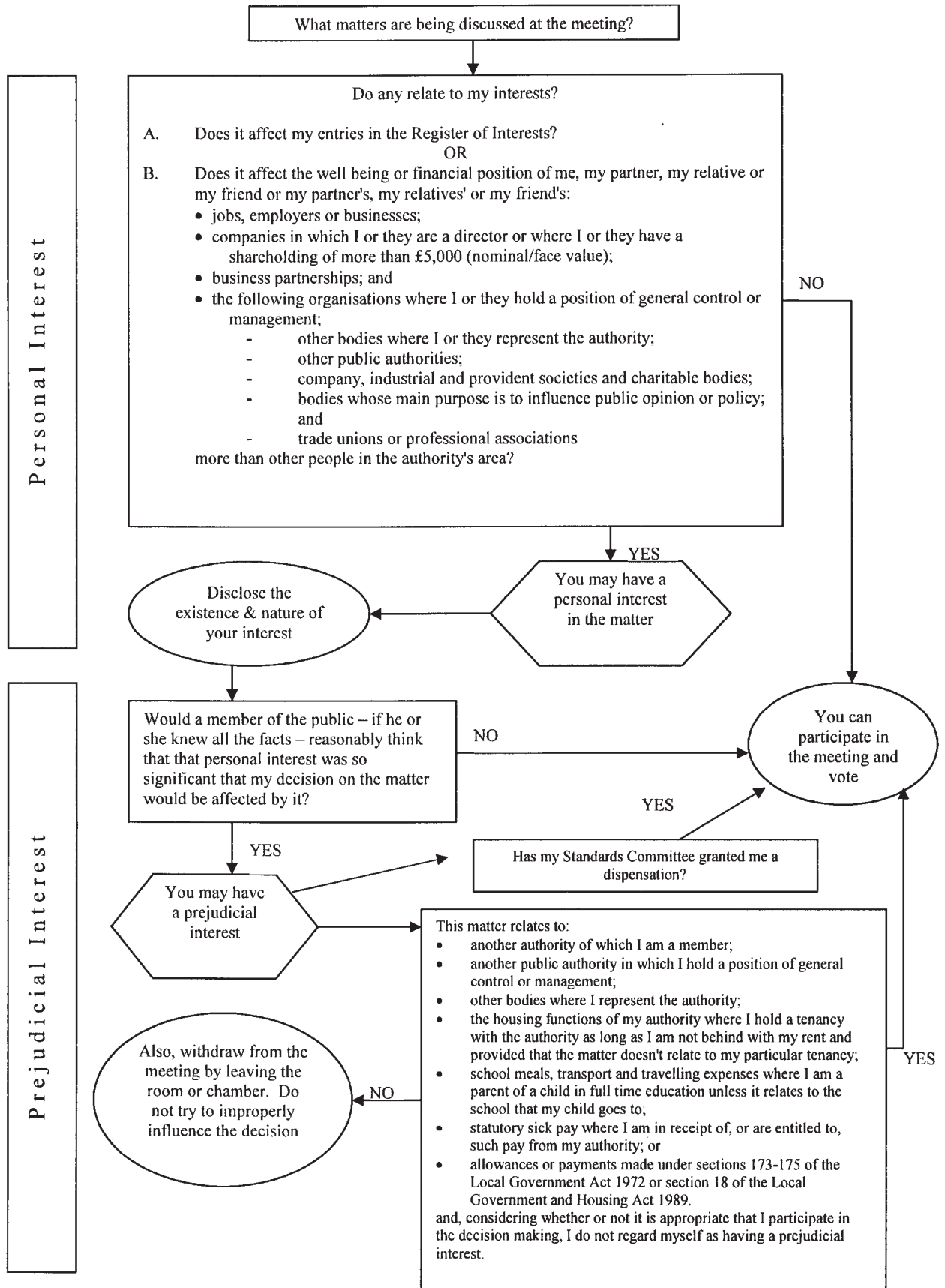
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

#### **11. Training**

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.



**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF  
(Non-Overview and Scrutiny Meetings)**







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