

## Part 5D- Planning Protocol

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## **1. Introduction**

- 1.1 This Protocol sets out guidance for both officers and members when determining planning applications, specifically those which come before the Planning Committee for determination.
- 1.2 It sets out the role of the Planning Committee and its members, how the Committee will operate and when and how it takes decisions. It should be read in conjunction with the Code of Conduct for members.
- 1.3 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is often highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions). This is reinforced by the legal status of development plans and decision notices. It is essential, therefore, that the planning process is characterised by open and transparent decision-making.
- 1.4 **The aim of this Protocol:** The aim of this Protocol is to ensure that the planning process is conducted in a manner that is transparent, impartial, and robust. It seeks to prevent any suggestion that decisions are biased, partial, or not properly founded. The Protocol also aims to provide the public with a clear and transparent explanation of how the planning process operates, including the respective roles and responsibilities of all those involved.

## **2. The Planning Committee**

### **2.1 The development management role of the Committee**

- 2.1.1 The development management role of the Planning Committee is to manage development and other operations in the Borough, so as to provide a satisfactory physical, social and economic environment for the benefit of the whole community by exercising the Council's powers under the Town and Country Planning Acts, and various legislative provisions concerned with the protection of the environment, in accordance with the approved Statutory Development Plan (including any approved Neighbourhood Plans), Supplementary Planning Documents and relevant approved strategies for example Gloucestershire Local Nature Recovery Strategy and Gloucestershire Local Economic Growth Plan , subject to any agreed scheme of delegation to officers.
- 2.1.2 As a quasi-judicial Committee members of the Committee are required to be non-partisan and to represent the entire borough. Political whipping is not appropriate in the context of Planning Committee decisions, as all determinations must be based solely on their merit in the context of the legislative framework, national planning guidance, statutory development plans and other material planning considerations.



## 2.2 Statutory functions of the Committee

2.2.1 The Committee is responsible for those functions allocated to the Council under the statutory provisions (including statutory instruments, national planning policy framework, government circulars, planning statements, ministerial statements and guidance) for control over development as defined in section 55(1) of the Town and Country Planning Act 1990 or any replacement legislation within the Borough or that will have an impact on the Borough save those matters delegated to officers and included in the scheme of delegation.

2.2.2 Members involved in the planning process must at all times comply with the requirements of this protocol, which are in addition to the Code of Conduct for members. Members are reminded that planning committees are live streamed via the council's YouTube channel, these recordings are retained in line with the Council's retention policy and such recordings may be used as evidence, for example in complaints to the councils, planning appeals, Judicial Review, Local Government and Social Care Ombudsman cases etc.

## 2.3 The role of members of the Planning Committee

2.3.1 In making decisions on planning applications, you will:

- **act fairly and openly** - ensuring that the process is transparent to all parties
- **act impartially** - approaching each application with an open mind and without pre-determination;
- **make decisions using sound judgement** - giving careful and balanced consideration to all material planning considerations.
- **not favour any person, company, group or locality** – you must not put yourself in a position where you might appear to do so.
- **ensure that that the reasons for your decisions are clearly and validly stated** – whether approving or refusing an application.
- **understand and be able to interpret all relevant plans and policies in making your decision** - including national and local planning policies, plans and guidance.
- **have regard to wider Council strategic plans and objectives** – including strategic plans, economic growth strategies, demonstrated housing needs, and other relevant corporate priorities, where material to decision making.
- **listen to all representations** - ensuring that both applicants and objectors are treated fairly and given due consideration.
- **remain aware of your equal duty to objectors and applicants** – ensuring that neither is privileged over the other

## 2.4 The role of officers

2.4.1 The role of officers is to handle all applications in a professional and balanced way. Officers will undertake as appropriate site visits and consider all representations made in relation to an application alongside all evidence submitted to support the planning application. Officers involved in the processing of applications 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.

- 2.4.2 As a result, planning officer's views, opinions and recommendations will be based on their overriding duty of professional independence. These may, on occasion differ from the views, opinions or decisions of the Committee or its Members.
- 2.4.3 Each application is assigned to a case officer who, as part of a wider team is responsible for the application from validation through to determination and beyond. Members are advised of the case officer for each application via the weekly list of planning applications, which is circulated to all members by email.
- 2.4.4 All relevant applications dealt with by Committee are presented in the form of an Officer report which addresses all relevant documents and material considerations. Any additional information received after the preparation of that report up to the day of the Committee meeting, will be brought to the attention of the Committee if it raises new and/or relevant material planning matters. This information is referred to as late material. Any papers received after that time will normally be discounted, at the discretion of the Chair, as there will not be sufficient time to check their accuracy or to give proper consideration to their implications.
- 2.4.5 If any member receives material from, or on behalf of an applicant or third party in relation to an application coming before the Committee they should check with the Planning Officers whether the material has already been received by them. If it has not, they should make it available as soon as possible to the Planning Officer.

### 3. Advice and guidance for Members

#### 3.1 Calling applications to Committee

- 3.1.1 Where a Member believes, for reasons related to material planning considerations, an application should be determined by the Committee, they may request its referral, within **21 days** of being notified of a valid application by way of the weekly application list. The request **must be made by email** to the Case Officer and **must clearly detail the reasons why the matter should be referred to the Committee**. (note: Members may also, subject to the same deadline, request referral of applications where, following discussion with the Case Officer or the Head of Planning, there is considered to be significant public interest).
- 3.1.2 Members making referrals are expected to attend the Committee meeting to present their reasons for referral and Members making a referral will be advised if their request has been accepted and the anticipated Committee date. Members are also expected to engage with Planning Officers throughout the process to resolve issues wherever possible. This includes querying interpretations of Policy and requesting further information where needed.

- 3.1.3 Any Member can refer any application within the Borough to the Committee. However, where a Member seeks to refer an application for a site located outside of their own Ward, they should notify the relevant Ward Members of their intention to do so.
- 3.1.4 Requests for referral to the Planning Committee will be considered by the Chair or in their absence Vice Chair of the Committee, The Chair (or in their absence the Vice Chair) will determine whether or not the application should proceed to Committee in consultation with the Head of Planning.
- 3.1.5 Except in circumstances where the Chair or in their absence the Vice Chair believes there to be exceptional circumstances, requests which are received outside of the 21 days or which do not contain valid Planning reasons may not be passed to Committee. The final responsibility for the decision will lie with the Chair (or in their absence the Vice Chair), in consultation with the Head of Planning.
- 3.1.6 If a planning application is likely to be the subject of a s106 Agreement, the case officer shall notify the ward member(s) of this as soon as is reasonably practicable. The Member(s) may then if they so wish, and within 14 days of being notified by the case officer, make suggestions in writing as the content of that s106 Agreement. The case officer will take into account those suggestions when reviewing the planning application but the final decision as to the content of the s106 Agreement will rest with the case officer (or committee if a committee decision).
- 3.1.7 The above paragraph does not apply to s106 Agreements which are only required to secure standardised/formulaic financial contributions (SANG/SAMM for example) or s106 Agreements relating to s73 applications (unless fundamental changes to the previously secured s106 Agreement are proposed).

## 3.2 Code of Conduct

- 3.2.1 **Members should apply the rules in the Code of Members' Conduct first**, which must always be complied with.
- 3.2.2 **Members must then also** then apply the requirements of this Planning Protocol, which supplements the Code of Members' Conduct specifically for the purposes of planning control. Failure to act in accordance with the Code of Conduct and this Protocol, 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
  - **the Member** at risk of either being named in a report made to the Audit, Compliance and Governance Committee, Council or the Local Government and



Social Care Ombudsman. Where the failure also amounts to a breach of the Code of Conduct, a complaint being made to the Monitoring Officer.

3.2.3 **If any member has a concern** regarding a potential breach of the Code of Members' Conduct or this Planning Protocol, they should raise it with the Monitoring Officer at the earliest opportunity. Officers and Members at all levels of an organisation need to be prepared to speak up and challenge inappropriate behaviour where the integrity of the authority may be at risk.

3.2.4 Members should conduct themselves at all times with a level of formality appropriate to a formal meeting of the Council, using appropriate forms of address to Officers and other Members to ensure that members of the public attending in person or remotely can follow the debate with ease.

### 3.3 Interests under the Code of Members' Conduct

3.3.1 Members must comply with the rules regarding the registration and disclosure of Interests as set out in the Members Code of Conduct. Members attention is specifically drawn to the following:

- **Do not** use your position improperly for personal gain or to advantage your friends or close associates.
- Keep your **register of interests** up-to-date
- Declare any relevant interest at the **start** of any relevant meeting, including informal meetings or discussions with officers and other Members, not only when the item comes up.

3.3.2 Where you have a Disclosable Pecuniary Interest (as defined within the Member's Code of Conduct) you must:

- **Declare** the Disclosable Pecuniary Interest to the Committee, unless the Monitoring Officer considers it to be sensitive in nature
- **Not vote, speak, or take part** in the discussion of the matter and must leave the meeting room while any discussion or vote takes place, unless a dispensation has been granted

3.3.3 If you have an Other Interest you may attend the meeting for the purposes of making a representation, but you must:

- **Declare** the Other Interest to the Committee
- **Leave the meeting after making your representation and not vote** on the matter, if the matter affects:
  - your well-being or financial position;
  - the interest you hold that constitutes an Other Interest;



- the well-being or financial position of a member of your family or a person with whom you have a close association;
- a person with whom you, a close member of your family or a close associate have a contractual relationship; or
- the determination of an application submitted by you, a close member of your family or a close associate;

**and** a reasonable member of the public, knowing the facts, would think the interest is significant enough to affect your judgement of the public interest.

A dispensation may be granted in some circumstances.

- 3.3.4 You can apply to the Monitoring Officer for a dispensation. If granted, this will allow you to participate in a discussion and vote on a matter notwithstanding a Disclosable Pecuniary Interest or Other Interest as set out above.
- 3.3.5 If a member is making a planning application to the authority, they must notify the Monitoring Officer in writing no later than submission of the application.
- 3.3.6 Planning Applications made by members will always be reported to the Committee and not dealt with by officers under delegated powers.

#### **3.4 Relationship with Officers**

- 3.4.1 Members must not pressure officers to recommend a particular outcome on a planning matter. You may ask questions or submit your views to the Head of Planning or the relevant case officer, which may be incorporated into any committee report to ensure transparency – but you must not seek to influence the officer's professional judgement.
- 3.4.2 Members should recognise that officers work for the Council as a whole, not for individual Councillors. A successful relationship between Councillors and officers depends on:
  - mutual trust and respect,
  - courtesy, and
  - understanding of each other's roles and responsibilities.

This relationship, and the trust which underpins it, must never be abused or compromised.

- 3.4.3 Members must 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 consequence, officers' views, opinions and recommendations are presented on the basis of their overriding duty of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members. It must be recognised and respected that the recommendation, including the reasons for that recommendation together with any suggested conditions as well as any planning obligations, rests with the planning officer who is providing their professional and detailed assessment, analysis and conclusions to the proposal presented.

### **3.5 Engagement – contact with applicants, developers, supporters and objectors**

3.5.1 The Local Planning Authority actively encourages pre-application discussions with potential applicants. This is a discretionary paid for service. Negotiations and discussions may continue after an application has been submitted. However, such discussions can sometimes be interpreted by the public, particularly by objectors, as prejudicing the planning decision making process. To avoid such perceptions, discussions on planning applications take place within the clear guidelines given below.

3.5.2 Pre-application meetings with prospective applicants are encouraged but must be conducted with an appropriate degree of formality to avoid misunderstandings, working within the Code of Conduct for Members. These meetings will normally only involve Officers. Members should not involve themselves in such meetings unless an appropriate Senior Officer is present and there is a clear purpose for Member representation. It will be made clear at pre-application meetings that:

- **Officers' initial views and advice are given on a without prejudice basis** which will be consistent with the provisions of the current Development Plan and other adopted Council policy (unless there are clear material considerations that would justify consideration of a development contrary to policy;)
- **no decisions may be made** or advice given which would bind or otherwise compromise the Planning Committee of the Council (or the Senior Officer responsible for Planning if delegated to make the decision); and
- for all pre-application meetings, **a written note** of the discussion (not a formal advice note) will be taken by the Planning Officer, including details of those present, and will be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will be present at all such meetings.

3.5.3 Following discussion with the appropriate planning officer, members may take part in organised post submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. At least one Planning Officer will be present at all such meetings, unless the meeting is a formal meeting of a Parish Council (including its Planning Committee).



- Where members do engage in pre-application discussions with developers, they must comply with the rules on lobbying set out in the Protocol and observe the guidance contained in the [Local Government Association Guide Probitiy in Planning – 2019](#). In addition to the above, members should also: follow the rules on lobbying contained in this Protocol
- **report** to the Head of Planning any significant contact with applicants or 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.
- **raise** with Head of Planning of the Case Officer any issues on which clarification is needed.
- **forward** any information received which the case officer may not already have so that all information is properly considered.

### 3.6 Lobbying

3.6.1 Lobbying or seeking to influence a decision by the applicant or objector(s) is a normal and legitimate part of the democratic and political process. However, it can give rise to perceptions of partiality and therefore requires careful handling.

Difficulties can arise where Members indicate, or give the impression of, support for or opposition to a development proposal before all relevant information is available. This includes the officer report, consultation responses, and any late material. Expressing a firm view prematurely may be unfair and may compromise the impartiality of the decision-making process.

Although the Localism Act does allow a member to express a particular predisposed position (a leaning or preliminary view), it does not permit predetermination, where a member has made up their mind prior to the meeting.

3.6.2 Lobbying can take many forms: approaches in person, by telephone, post or email, chance encounters, or by way of a request to see all or some of the Members of the Planning Committee. It is an essential part of democratic engagement that members of the public can make their views known. However, to avoid prejudicing your position before you have received all the relevant information, evidence and arguments, you will:

- **avoid discussing** with an applicant or any other person your thoughts about the merits and drawbacks of a planning application or proposed development;
- **pass onto the case officer** any written material provided to you so that it can be logged, assessed, and included in the planning file;
- **not indicate in advance** whether you support or oppose a proposal unless you accept that by doing so may prevent you from taking part in the decision making on that application;
- **restrict your response** to procedural advice only, making it clear that that is the extent of what you are permitted to provide;

- **direct lobbyists or objectors** to the case officer and advise that their views should be expressed in writing, and
- **notify the Senior Officer responsible for Planning** as soon as possible of the existence of any substantial lobbying activity.
- **avoid signing any Petition on a matter likely to be determined by the Planning Committee**

If you publicly express a final view on an application prior to the meeting at which a decision is to be taken, you will be required to withdraw from the meeting whilst the application is discussed and determined. Public expression of a view would include, for example:

- making a statement to the press
- comments in any document to be made publicly available,
- remarks made at a meeting of the Council or a Parish Council (or one of their Committees), or
- in any situation where the view expressed might reasonably be expected to gain wider circulation.

### **3.7 Predetermination and Predisposition**

3.7.1 Members must consider each application on its merits and must not do anything which may preclude them from taking part in the determination process. You must only reach a decision after

- reading the officers report and any additional updates,
- hearing the Officer's presentation
- receiving any points of clarification and
- considering all the arguments on both sides.

If a member predetermines an application, they will be precluded from taking part in the debate and voting.

3.7.2 It is acceptable to have a legitimate predisposition in relation to an application. A member who has expressed a preference for a particular outcome will not be taken to have a closed mind when making their decision, provided that a fair-minded observer would think that you were open to changing your mind in the light of different or additional information, advice or evidence presented.

3.7.3 A member may however be considered as predetermining an application if they have acted as an advocate for the application. This includes situations where a member has:

- been significantly involved in the preparation or submission of the application
- acted as an active supporter or promoter of the proposal; or
- taken a role in opposing the application prior to Committee.

In any circumstance where a member is unsure whether their involvement amounts to predisposition or predetermination, they should seek advice from the Monitoring Officer at the earliest opportunity.

### **3.8 Planning Committee Members who serve on Parish or County Councils**

3.8.1 Some Councillors will be Members of Parish Councils, or of Gloucestershire County Council (collectively 'Other Council'), as well as Cheltenham Borough Council Councillors. This situation can create difficulties where the Other Council is consulted on planning applications. It is entirely possible that a Councillor, once in possession of the full information contained in the Borough Council officer report, may reach a different conclusion from the one reached when considering the matter at the Other Council.

3.8.2 To avoid any potential conflict or perceptions of predetermination, it is preferable that Councillors do not contribute to Other Council's considerations of development management matters. Members who do serve on Other Councils may find it helpful to make the following statement to clarify their position when regarding development control matters:

*While I will consider this matter as a Member of this Council, I am also on the Planning Committee of Cheltenham Borough Council and may be called upon to vote on any application that this council responds to. In the light of additional information received, I may not vote at the Borough Council's Planning Committee in the same way as I do at this meeting.*

### **3.9 Hospitality**

3.9.1 As a Member of the Council you are discouraged from receiving hospitality generally but are expressly prohibited from receiving any gifts or hospitality from people with an interest in a planning proposal.

## **4. Site visits**

4.1 As part of the Councils process for fulfilling its duties of Planning Committee all Planning Committee members and substitutes are requested to take part in a monthly 'planning view'. This is a structured site visit organised by officers and is an invaluable tool in the decision-making process. Planning view enables Members to:

- view and where necessary, enter application sites (and neighbouring sites where appropriate)
- understand the physical and the surrounding context of the proposal
- better assess impacts that may be difficult to visualise from the plans and any supporting material, including photographs taken by officers or provided within the applicants supporting information

- more fully consider the comments of the applicant and objectors when these cannot be expressed adequately in writing

4.2 Planning view should only incorporate sites which can be justified on planning grounds, including where:

- the character or appearance of the development itself is a fundamental planning consideration;
- a judgement is required on visual impact; or
- the setting and surroundings are fundamental to the determination or to the conditions being considered

4.3 Site visits will be conducted in a formal manner

- The Chair or Vice-Chair will open the meeting, and outline its purpose and conduct;
- Officers will highlight issues relevant to the site inspection;
- Members can ask questions or seek clarification on matters relevant to the site, but Planning View is not an opportunity to express opinions or views on the development proposed.
- No formal notes of the visit will be taken, however a record of attendance will be captured and shared with the committee.
- No hospitality will be accepted at any site
- Members must not engage with any resident or applicant who has facilitated access to the site, where viewing has been unable to be achieved from a public footpath or highway.

4.4 Members who have an interest in an application are precluded from attending any site visit on that matter. If an interest becomes apparent during a site visit the member should immediately declare it to the chair and withdraw from the site.

4.5 Planning View must not become an opportunity for lobbying by applicants, objectors, neighbours or any third parties. If approached on site:

- Members must advise that they may make representations in writing to the Local Planning Authority
- Members should direct individuals to officers present
- Members must not discuss applications with the applicant, objectors, neighbours or any or third parties and
- Members must remain aware of, and comply with, the provisions of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct.



4.6 Members should not enter a site which is subject to an application other than on planning view as this may give the impression of bias. If a member considers an unaccompanied site visit is essential, they must:

- advise the Head of Planning in advance and explain the reasons
- remain mindful of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct
- avoid conversations with applicants, neighbours, objector or any other third party

4.7 Any visit made outside of planning view will be recorded and must be declared by the member at the relevant Planning Committee meeting.

## **5. Public speaking at meetings**

5.1 The purpose of permitting public speaking is to enable those affected by proposed developments to present their views directly to the Committee and to contribute to an open, fair and transparent debate on applications in which they have an interest. All public speaking will be carried out in accordance with any guidance issued by the Council.

5.2 Guidance will be provided for members of the public who wish to speak at planning meetings and Democratic Services officers will provide practical assistance for those undertaking public speaking. Public speakers must register by 10am on the day before the meeting.

- All public speakers should provide a written copy of their speech to Democratic Services.
- Members of the public are permitted to share slides, photographs etc provided that a copy is provided to Democratic Services by 10am on the day before the meeting.

5.3 A maximum of one person is allowed to speak in support and one in objection, plus parish/ward councillors. In the event of more than one request in support or objection being received, we ask that a single person represent the group. If no agreement on a spokesperson can be reached, the speaking slot will be given to the first registered speaker. The Chair has the final decision as to who is allowed to speak. Public speaking is limited to five minutes per speaker.

5.4 County Councillors and MP's are not automatically entitled to speak on planning applications simply on the basis of their position as County Councillors however they have the same rights as members of the public to attend and speak at Planning Committee.

5.5 Public speaking will take place in the following order:

- i. (where relevant) the Member who has referred the application to Committee to present their reasons for referral

- ii. Objector
- iii. Applicant, Agent or Supporter
- iv. Parish Council(s)
- v. Upon conclusion of public speaking the Ward Member(s) will be invited to speak for up to 5 minutes.

## 6 Decision making and the voting process

6.1 Members should only vote on an application if they have been present for the whole of the presentation of, and discussion on, the application.

6.2 Decisions will be recorded in the Minutes of the meeting and will be submitted to the next practicable meeting for approval as a correct record.

### 6.3 Deferral of applications

6.3.1 Any member who wishes to move a motion seeking to defer an application before Committee must ensure that the reasons for their motion and any subsequent decision are recorded in the minutes of the meeting.

### 6.4 The Procedure

6.4.1 The procedure for the consideration of an application and the voting process is set out on the Flowchart at Appendix 1 to this Protocol. Following any members of the public and ward members speaking, and any questions from the Committee, the Chair will open the debate on the application. Following the debate the Chair can invite members to propose a motion and once proposed and seconded a vote will be taken on the motion proposed.

### 6.5 Decisions contrary to officer recommendations or to development plan policies:

6.5.1 From time to time Members may disagree with officer advice. In such cases it is the Members' responsibility to propose a motion **based on material planning considerations**. Before making a decision, which differs from the officer recommendation or the development plan (or where conditions included in an officer report are proposed), the Committee should take the following steps:

- **Discuss the areas of difference** and the reasons for that difference with officers beforehand where possible;
- **Record the detailed reasons** as part of the mover's motion. These reasons must be material planning considerations, and
- Where there is concern about the validity of those reasons, **consider deferring** to another meeting to have the putative reasons can be tested and discussed.

6.5.2 Before Members vote on a motion to determine an application contrary to officer recommendation the Planning Committee must receive advice from:

- the Planning Officer in attendance and
- if required the Legal Officer as to the form of the new motion.

Officers must be given an opportunity to explain the implications of the contrary decision including:

- an assessment of a likely outcome of any appeal; and
- the prospects of a successful award of costs against the authority should one be made.

6.5.3 If the Committee makes a decision contrary to officer recommendation or the development plan (whether for approval or refusal or changes to conditions or planning obligations) a detailed minute of the Committee's reasons should be made. An officer should be asked to:

- draft the reasons and/or
- any new conditions

These will be approved by the Chair.

Members must be prepared to explain their planning reasons for the decision they are making. Pressure must not be placed on officers to 'sort out the planning reasons' after the meeting. Reasons must be provided by Members based upon their assessments of all the information provided and the debate by committee. In exceptional circumstances a short adjournment of the meeting may be agreed by the Chair in order to clarify the reasons being put forward by a Member. On reconvening after such an adjournment the Chair will explain the reasons for the adjournment and the outcome of it in the interests of transparency.

## **7 Non Committee Members attendance at Committee Meetings**

- 7.1 All members may attend meetings of the Council's Planning Committee even if they are not a member unless they have a Disclosable Pecuniary Interest.
- 7.2 Ward Members may speak on applications within their ward via the allocated public speaking slot. However, they cannot vote.
- 7.3 When attending a Planning Committee, non-committee members should sit in the place reserved in the Council Chamber for Members of the Council who are not members of the Committee. Democratic Services Officers will be available to guide members to the correct area of seating.



## 8 Training

- 8.1 A forward plan of at least of 5 training events for members will be organised annually. Planning Committee Members and anyone who may sit as a substitute will be required **to attend a minimum of 2 training sessions in addition to the mandatory initial induction training** each municipal year. For mandatory training members will be required to attend in person. For wider training this will be a mix of in person and online training. Members who fail to attend the minimum training will be excluded from meetings of Planning Committee until appropriate training has been completed. This training will include a balance of the following:
- Organised site visits to review completed developments, providing opportunities for Members and Officers to reflect on outcomes and consider lessons learned;
  - Topics based sessions to explore planning issues in depth, particularly where overturns may have highlighted challenges in policy interpretation or application;
  - Formal training by external speakers including professional bodies, planning specialists, or legal experts.
- 8.2 New members of the Planning Committee and any member who may act as a substitute **must attend** initial induction training before they participate on the Planning Committee.

## 9 Rules around certain types of application

### 9.1 Planning Applications from a Member or their relatives

- 9.1.1 All applications submitted by or on behalf of a Member of the Council in their private capacity or by a relative or partner (as defined in the Code of Conduct for Members) or relating to land which the member has an ownership and/or has a beneficial interest, must be drawn to the attention of the Monitoring Officer. These applications will be reported to the Planning Committee for determination and will not be dealt with under the Scheme of Delegation to Officers.
- 9.1.2 Members must not speak in support of, or take part in the determination of, an application as described above.
- 9.1.3 Members must declare an Interest and leave the meeting and not seek to influence the decision in any way. They may, however, appoint an agent who can speak, subject to the rules of Public Speaking at meetings of the Planning Committee.
- 9.1.4 Where an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Borough Council, the Member should not speak in support of, or take part in the determination of, the application.
- 9.1.5 The applicant (or their appointed agent) may speak at Committee meetings subject to the rules of Public Speaking at Meetings of Planning Committee.



## **9.2 Planning Applications submitted by the Council itself**

9.2.1 All applications which are **submitted** by the Council itself must be reported to the Planning Committee for a decision rather than being dealt with in accordance with the scheme of delegation to officers.

However, once the principle of development has been established subsequent applications to:

- discharge conditions, or
- make minor variations

may be determined in accordance with the scheme of delegation.

## **9.3 Applications submitted by Officers**

9.3.1 Any application submitted by or on behalf of an employee of the Council who:

- works within the Planning Department, or
- holds a politically restricted post

must be reported to the Planning Committee for determination rather than being decided under delegated powers.



