

## Planning code of practice

### In this section

25.1	What does this code apply to?	139
25.2	Training for councillors	139
25.3	Councillors' interests in planning applications	139
25.4	Gifts and hospitality	140
25.5	Need for councillors to make up their minds at committee	140
25.6	When councillors go public	140
25.7	Lobbying	141
25.8	Whipping	141
25.9	Planning applications by councillors and officers	141
25.10	Planning applications by the council	141
25.11	Discussions before an application is decided	142
25.12	Public meetings	142
25.13	Site visits	142
25.14	Officers' reports to committee	143
25.15	Planning conditions added at the meeting	143
25.16	Decisions that go against the local development framework or officers' recommendations	143
25.17	Complaints and record keeping	144
25.18	Responsibility for the code	153

### Related sections

13.	Area committee procedures	65
18.	Call-in procedures procedures	89
23.	Members' code of conduct	125
24.	Code on councillor-officer relations	132

#### 25.1 What does this code apply to?

This code applies to all planning decisions, whether they are taken by officers, area committees, strategic development control committee or full council. Further guidance for dealing with planning applications at area committees, strategic development control committee and full council is attached to this code.

#### 25.2 Training for councillors

Councillors are required to attend training at least once a year in planning and will be told about any changes to the law or the council's procedures.

#### 25.3 Councillors' interests in planning applications

##### (a) Registering interests

The members' code of conduct requires councillors to register interests. See 23.19.

24/09/2009 |

139

Deleted: 13913943 (... [177])
Deleted: 147
Deleted: 13913943 (... [178])
Deleted: 148
Deleted: 13913943 (... [179])
Deleted: 148
Deleted: 14014043 (... [180])
Deleted: 148
Deleted: 14014043 (... [181])
Deleted: 149
Deleted: 14014043 (... [182])
Deleted: 25.7 Cou (... [183])
Deleted: 149
Deleted: 14114143 (... [184])
Deleted: 10
Deleted: 149
Deleted: 14114143 (... [185])
Deleted: 11
Deleted: 149
Deleted: 14114143 (... [186])
Deleted: 2
Deleted: 150
Deleted: 14114143 (... [187])
Deleted: 13
Deleted: 150
Deleted: 14214243 (... [188])
Deleted: 4
Deleted: 151
Deleted: 14214243 (... [189])
Deleted: 5
Deleted: 151
Deleted: 14214243 (... [190])
Deleted: 6
Deleted: 151
Deleted: 14314343 (... [191])
Deleted: 7
Deleted: 152
Deleted: 14314343 (... [192])
Deleted: 8
Deleted: 152
Deleted: 14314343 (... [193])
Deleted: 9
Deleted: 152
Deleted: 14414443 (... [194])
Deleted: 20
Deleted: 67
Deleted: 65654365 (... [195])
Deleted: Call-in Members'
Deleted: 95
Deleted: 89894389 (... [196])
Deleted: Councillors'
Deleted: 133
Deleted: 12512543 (... [197])
Deleted: 140
Deleted: 13213243 (... [198])
... [199]
... [200]
... [201]

**(b) Declaring interests**

The members' code of conduct says what councillors must do if they have an interest in an item. See 23.15 to 23.18.

**(c) Avoiding perception of bias**

Councillors must listen to the advice of the monitoring officer if they may be perceived as having made up their minds in advance or having closed their minds to opposing view points.

**Deleted:** are felt to have a conflict of roles or to have given the impression of

If a member is a board member or represents the council on an outside body and the council or the outside body is the applicant then particular care should be taken by the member to avoid perception of this.

**Deleted:** by us

**Deleted:**

**25.4 Gifts and hospitality**

Councillors and officers should avoid receiving gifts or hospitality from anyone involved with a planning application. If gifts or hospitality are unavoidable, they should be kept to the minimum.

Under the members' code of conduct, gifts or hospitality worth more than £25 that are linked to being a councillor must be recorded in the register of interests within 28 days.

Officers should declare offers of gifts or hospitality in the relevant service area's hospitality register as soon as possible, whether they accept them or not.

**Deleted:** council's

**Deleted:** book

Officer hospitality registers will be regularly reviewed by the monitoring officer.

**Deleted:** The book

**25.5 Need for councillors to make up their minds at committee**

When a planning application comes to committee, councillors must weigh up all the relevant facts and make their decision at the meeting. They must not have already decided how to vote.

This means that councillors need to be careful about anything they say before the committee meeting. Although they can start to form a view, they should never say anything that could give the impression they have already made up their minds. Councillors should not sign letters or petitions that support or oppose an application.

**Deleted:** a

If a councillor is involved in deciding the same application at both an area committee and strategic development control committee, they must weigh up all the relevant facts again at strategic development control committee and make a fresh decision. The same goes when applications are called in to full council.

**25.6 When councillors go public**

If a councillor has publicly supported a particular outcome, it will be very difficult for them to appear to make up their mind at committee and they should not vote. This is not the same as the need to declare a personal or a personal prejudicial interest. That is a separate requirement of the members' code of conduct. See section 23.

**Deleted:** 24/09/2009

**Deleted:** 23/09/200923/09/200923/09/200922/09/200907/08/200905/08/200923/07/2008

24/09/2009

**25.7 Lobbying**

**(a) Lobbying by councillors**

Councillors should not lobby each other. Nor should they put pressure on officers to make a particular recommendation.

**(b) Lobbying of councillors**

When they are lobbied, councillors should be careful not to say anything that could give the impression they have already made up their mind. They should stick to advising on procedures and suggesting that the person writes to the head of city development with their views.

**25.8 Whipping**

Political groups must not whip planning decisions. Councillors must use their individual judgement when deciding how to vote.

**25.9 Planning applications by councillors and officers**

**(a) Officers not to act as agents**

Officers must not act as agents for planning applications to the council.

**(b) Council’s handling of applications**

If a councillor or an officer or any relation of theirs puts in a planning application to the council, they must declare their relationship on the application form and not be involved in deciding it or try to influence it improperly. The same goes for applications where a councillor is the agent.

If a councillor is the applicant or the agent, they will have a prejudicial interest if they are present at any meeting where it is discussed. They will have the same rights as other members of the public to address the meeting but they must then leave until after the vote.

The head of city development will tell the monitoring officer about any applications by councillors or officers and any applications where a councillor is the agent. These applications will always be decided by an area committee or the strategic development control committee, not by the head of city development. The committee report should be able to say that the monitoring officer confirms the application has not had any special treatment.

**25.10 Planning applications by the council**

The council will follow the government guidance for councils dealing with their own planning applications. These applications will always be decided by an area committee or the strategic development control committee, not by the head of city development. Applications by the council will not get special treatment: the

24/09/2009

Deleted: <#>Councillors who represent the council on another body¶

Under the members’ code of conduct, a councillor who represents the council on another body can normally speak and vote on items that affect that body. But with planning, they can do so only if they have not formed a fixed view before the meeting. (The same goes for councillors who serve on another council or who are involved in managing or directing another public body.) ¶

<#>Members of the board¶

If a member of the board is involved in deciding a planning application the council has an important financial interest in as the landowner, it could lead to claims of bias (see 15.7). ¶

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Deleted: eh

Formatted: Bullets and Numbering

Deleted: 24/09/2009

Deleted: 23/09/200923/09/200923/09/200923/09/200923/09/200907/08/200905/08/200923/07/2008

council will decide them on planning grounds and will not take into account how it could gain from giving permission.

Formatted: Bullets and Numbering

### 25.11 Discussions before an application is decided

The following applies to discussions with an applicant before an application is put in or before it is decided. These include discussions over the phone, as well as face to face discussions.

- (a) It should be made clear at the start that the discussion will not bind the council.
- (b) Anyone taking part in the discussion should make it clear whether they are likely to be the decision taker.
- (c) Advice should be unbiased and consistent. It should be based on the local development framework and relevant facts.
- (d) A note should be made of the meeting, which councillors should be entitled to see.
- (e) A follow-up letter should usually be sent, confirming what has been discussed.
- (f) At least two officers should attend any face to face discussions that might be contentious.
- (g) If councillors have a face to face discussion, they should take a senior planning officer with them. Face to face discussions involving councillors or officers should be recorded on the applicant's file.
- (h) Councillors should not approach applicants to try to achieve planning gain or get a planning application changed.
- (i) Councillors should never say anything that would give the impression that they have already made up their minds in relation to the matter.

Deleted: one

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Deleted: Site visits can cause delay and extra work. They should only happen when the committee decides that they will have important benefits, for example when: ¶  
<#>the planning application is particularly contentious or ¶  
<#>it is difficult to form a picture of the development from the photographs or plans.¶  
Site visits are for councillors to get information. They are not an opportunity to lobby.¶  
During site visits, councillors and officers should go round in a group and should not comment on the application. The chair should prevent any lobbying

Deleted: .

Deleted: 24/09/2009

Deleted: 23/09/200923/09/200923/09/200923/09/200922/09/200907/08/200905/08/200923/07/2008

### 25.12 Public meetings

At public meetings councillors should be careful to be neutral and to listen to all points of view. They should never say anything that could be taken to mean they have already made up their mind.

### 25.13 Site visits

A site visit by an area committee or the strategic development control committee will only occur if it is necessary to inspect a site to gain a factual understanding of a site's location, physical characteristics and relationship to neighbouring properties or land use, before making a formal decision on a development control application. No decisions may be made on site.

Site visits will only be attended by members of the relevant committee. Third parties such as applicants, owners or members of the public will not be invited

24/09/2009



If a committee goes against the officers' recommendation, it must be for planning reasons and these must be clear and convincing. The personal circumstances of the applicant are rarely enough. A detailed minute of the reasons should be made and placed on the application file.

**Deleted:** ¶

**Deleted:** note of the reasons should be put

### **25.17 Complaints and record keeping**

The council has a complaints procedure, which is on its website.

**Deleted:** The personal circumstances of the applicant are rarely enough.

A failure to adhere to this code may result in and may be cited as evidence of a breach of the members' code of conduct.

**Deleted:** If a committee is thinking of voting against the officers' recommendation, officers should be asked to explain any effect it might have. ¶

To make complaints easy to investigate, records need to be complete and accurate. Every planning file should contain an account of events from beginning to end. It is important to record reasons for decisions, especially when they are taken by officers and there is no committee report.

**Formatted:** Bullets and Numbering

The head of city development will monitor the quality of the council's planning records.

**Deleted:** Complaints that a councillor has broken the members' code of conduct can be made to the Standards Committee.

**Deleted:** s

**Deleted:**

### **25.18 Responsibility for this code**

**Formatted:** Bullets and Numbering

The head of city development, the monitoring officer and the standards committee have overall responsibility for this code. The standards committee will review how the code is working.

**Deleted:** 24/09/2009

**Deleted:** 23/09/200923/09/200923/09/200923/09/200922/09/200907/08/200905/08/200923/07/2008

24/09/2009