

Part 5 Codes and Protocols

5.3 Code of good practice for councillors and officers dealing with planning matters

1. General role and conduct of councillors and officers

- 1.1 **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. One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.
- 1.2 The Council first adopted a Local Code of Conduct with regard to Planning Matters on the 13 December 2000, and revised in 2002, 2006, 2011, 2013 and 2014. This Code of Good Practice continues the Council's commitment to the highest possible standards of behaviour in its operation of the planning system.
- 1.3 **The key purpose of Planning:** to control development in the public interest.
- 1.4 **Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.5 **When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the 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 or when an application which would be required to be determined by the Planning Committee due to your interest is submitted). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.6 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 his deputy, and preferably well before any meeting takes place.
- 1.7 Whilst this Code of Good Practice deals primarily with planning applications the principles it endorses apply with equal vigour to consideration of the Local Plan,

Development Briefs, enforcement cases and all other planning matters.

- 1.8 Officers involved in the processing and determination of planning matters must also act impartially and in accordance with the Council's Code of Conduct for Council Employees. In addition those that are members of the Royal Town Planning Institute are required to comply with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct.

2 Relationship to the Members' Code of Conduct

- 2.1 **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on interests, Disclosable Pecuniary Interests (DPIs) and any other interests identified by your Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2 **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 management. 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; and;
 - yourself at risk of either being named in a report made to Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

3 Development Proposals and Personal Interests under the Members' Code

- 3.1 **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.
- 3.2 **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that "Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".

It is therefore advisable that you:

- 3.3 **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 disclosable or other personal conflict of 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.

3.4 **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.

3.5 **Do not act as agent for people pursuing planning matters within the Council area, even if you are not involved in decision making on it.**

3.6 **Do** then act accordingly.

In addition, where you have a disclosable pecuniary interest [DPI]

3.7 **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

3.8 **Don't** try to represent Ward views, or comment on the planning proposal as Ward Member, but get another Ward Member to do so instead.

3.9 **Don't** get involved in the processing of the application.

3.10 **Don't** make written representations to members of the committee considering the application.

3.11 **Do** notify the Monitoring Officer and Assistant Director Planning Strategy and Development Management in writing of your own planning, listed building or conservation area consent application (and that of any close relative or friend of which you are aware) or of any such application affecting land you own and note that:

- notification to the Monitoring Officer and Assistant Director Planning Strategy and Development Management 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;
- 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;
- you should take no part in the application's consideration or processing;
- you do have a right to make written representations to officers about the proposal but may not address the planning meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee.

3.12 **Officers' planning applications:** the same rules apply as for councillors except that you may address the Planning Committee. You should not act as agent for people pursuing

planning matters within the Council's area.

4 Fettering discretion in the planning process (Natural justice, predisposition and predetermination)

- 4.1 **Don't** fetter your discretion by approaching the decision with a closed mind.
- 4.2 **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- 4.3 **Do** keep at the front of your mind that, when you come to make the decision, you;
- are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
 - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
 - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
 - are to come to a decision after giving what you feel is the right weight to those material considerations.
- 4.4 Having a closed mind 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.
- 4.5 **Do** be aware that you can be biased 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.)
- 4.6 **Do** not use any political group meetings prior to the planning meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but decisions can only be taken after full consideration of the Planning Officer's report and

information and consideration at the planning meeting. The use of political whips to influence the outcome of a planning application is likely to be regarded as maladministration.

- 4.7 Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a Member of the Parish Council, for example, or both a district and county councillor), provided:
- the proposal does not affect the well being or financial standing of the body and is not the consultee's own planning application and
 - you make it clear to the body carrying out the consultation 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 Committee comes to consider the proposal.
- 4.8 Do explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- 4.9 Do take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, provided you do not have a disclosable pecuniary or other personal conflict of interest. Where you do exercise these speaking rights:
- advise the proper officer or Chair 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.
- 4.10 Do take advantage of the Council's Ward Member consultation processes. The local knowledge of councillors means they have an important contribution to make to the planning process. The scheme of delegations [elsewhere in the Constitution] sets out the processes for Ward Member involvement in the planning process.

5 Membership of Parish Councils and Outside Bodies

- 5.1 **Do** be aware that when deciding on a planning application at district council level, 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:
 - (a) another local or public authority of which you are a member; or
 - (b) a body to which you have been appointed or nominated by the Council as its representative; or
 - (c) you are a trustee or company director of the body submitting the proposal and were appointed by the Council.
- you should always disclose a personal interest and may speak on the issue. You may also vote on the application provided you have not predetermined the application.

6 Contact with Applicants, Developers and Objectors

6.1 **Do** refer those who approach you for planning, procedural or technical advice to officers.

6.2 **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 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.

6.3 **Do** otherwise:

6.4 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 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;
- ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other Councillors might vote.

In addition in respect of presentations by applicants/developers:

6.5 **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.

6.6 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

6.7 **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.

- 6.8 **Do** be aware that a presentation is a form of lobbying and whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other members would intend to vote at a committee.

7 **Lobbying of Councillors**

- 7.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may prejudice your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- 7.2 **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, should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 7.3 **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 it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 (in accordance with the authority's rules on gifts and hospitality).
- 7.4 **Do** copy or pass on any lobbying correspondence you receive to the Development Manager at the earliest opportunity.
- 7.5 **Do** promptly refer to the Development Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- 7.6 **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.
- 7.7 **Do** note that, unless you have disclosable pecuniary interest or overriding other personal conflict of 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, making clear that you must keep an open mind when it comes to making the decision ;
 - 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.

- 7.8 **Do** note that a failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a councillor or co-opted Member has a disclosable pecuniary interest, are criminal offences

8 **Lobbying by Councillors**

- 8.1 **Don't become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.**

- 8.2 Planning committee or local plan steering group members should in general avoid organising support for or against a planning application, and avoid lobbying other councillors

- 8.3 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, but you should normally seek to disclose that interest on the grounds of transparency where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

- 8.4 **Do** register your membership of any lobby group. If you speak on behalf of a lobby group at a committee you should withdraw from the meeting once the public speaking on the item has been completed to avoid any suggestion of improper influence on the committee.

- 8.5 **Do** declare the existence and nature of your interest in any lobby group at planning meetings so that members of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes lead to allegations of bias or predetermination and in those circumstances you must withdraw from the meeting.

- 8.6 **Do** weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you appear biased. The factors are:

- the nature of the matter to be discussed
- the nature of your involvement with the lobby group
- the publicly expressed views of the lobby group

- what you have said or done in relation to the particular issue

- 8.7 **Do** not become a member of an organisation whose primary purpose is to promote or oppose specific planning proposals or those within a limited geographical area, as you may be perceived as having fettered your discretion.
- 8.8 **Do** remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as its Chairperson or a member of the planning meeting, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and you may appear biased and therefore you should consider whether it is appropriate for you to take part in the decision making process.
- 8.9 **Do** not publicly support a particular outcome on a proposal within your Ward or actively campaign for it if you wish to take part in the decision making process. It would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. You must not have a closed mind. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the application in accordance with the law.
- 8.10 **Don't** excessively lobby fellow councillors about your concerns or views and don't 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.
- 8.11 **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.

9 Site Visits

- 9.1 **Do** try to attend site visits organised by the Council where possible.
- 9.2 **Do** explain to the Planning Committee why you are requesting a site visit. The reasons for a site visit will be recorded at Committee and a site visit should normally only take place where:
- 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.
 - details of the proposed development cannot be ascertained from plans and any supporting information to Councillors satisfaction at the planning meeting; or

- where design considerations are of the highest importance particularly in relation to the surrounding locality.

9.3 **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.

9.4 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

9.5 **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

9.6 **Don't** hear representations from any other party, with the exception of the Ward Member(s) or statutory consultees who must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

9.7 **Don't** express opinions or views to anyone.

9.8 **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:

9.9 you feel it is essential for you to visit the site other than through attending the official site visit;

9.10 you have first spoken to the Development Manager about your intention to do so and why (which will be recorded on the file) and

9.11 you can ensure you will comply with these good practice rules on site visits.

10 Public speaking at meetings

10.1 **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.

10.2 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

11 Officers

11.1 Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Their relationship is based upon mutual trust and understanding and this must never be abused or compromised. Instructions to officers concerning individual planning decisions can only be given through a decision of the Council or the Planning Committee and not by individual Councillors acting outside those powers. There is also a scheme of officer delegations which includes planning decisions where

the matter is not referred to committee.

- 11.2 **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 Manager, which may be incorporated into any committee report).
- 11.3 **Do not do anything which compromises, or is likely to compromise the officers' impartiality or professional integrity.**
- 11.4 **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Director Planning Strategy and Development Management or Development Manager or those officers who are authorised by them to deal with the proposal at a Member level.
- 11.5 **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.
- 11.6 Do be aware of the Protocol for Relationships between Members and officers.

12 Decision Making

- 12.1 **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.
- 12.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 12.3 **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.4 **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.
- 12.5 **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, and

attended any site visit.

- 12.6 **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.
- 12.7 **Do** delegate to the Assistant Director Planning Strategy and Development Management the detailed drafting of specific conditions that the Planning meeting may wish to add or amend when considering an application, ensuring that an explanation of why the change or addition is required is given to the planning meeting.
- 12.8 **Do** have recorded the reasons for Committee's decision to defer any proposal.
- 12.9 **Do**, where necessary, consider the drafting of conditions for sensitive applications that the planning meeting wish to approve against Officer recommendation at the next meeting of the planning meeting to allow Officers to formulate appropriate conditions and provide the planning meeting with any relevant further information.

13 Training

- 13.1 **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.
- 13.2 **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 mandatory training which should help you in carrying out your role properly and effectively.
- 13.3 **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

13.4 Involvement in Section 106 Agreements

- 13.5 The guidance in respect of planning obligations is similar to that of planning conditions in that they must be relevant to planning and directly related to the proposed development if they are to be taken into account in making a decision on a planning application. Local Planning Authorities should not grant planning permission for unacceptable development because of unrelated benefits offered by the applicant and should not be unduly influenced by any benefits offered.
- 13.6 **Do** remember that requirements to be included within Section 106 Agreements should be considered and discussed at pre-application stage. The Officers will provide advice on general requirements, but if you are aware of any additional potential requirements please refer these to the Development Manager as soon as you become aware of them.

- 13.7 **Do** remember that the purpose of Section 106 Agreements is to help make acceptable, development which would otherwise be unacceptable in planning terms, by prescribing the nature of the development, or compensating for loss or damage created by the development, or to mitigate a development's impact. They must therefore be relevant to planning and relate fairly and reasonably to the development.
- 13.8 **Do** include the potential content of Section 106 Agreements in the debate that takes place at planning meetings, whether you are a member of the planning meeting or a visiting Member who wishes to speak on the application.
- 13.9 **Don't** hold formal or informal meetings with Applicants, Developers and Objectors over the contents of potential Section 106 agreements. If you feel that a meeting would be useful to clarify the issues, you should ask the Assistant Director Planning Strategy and Development Management to arrange such a meeting. In this way the relevant Officers can be at the meeting, and those present can be made aware that the discussions will not bind the authority, and that the meeting can be properly recorded on the application file and the record of the meeting disclosed when the application is considered.
- 13.10 **Do** remember that it is imperative that a Ward Councillor's role continues after the completion of the Section 106 Agreement, by assisting Officers in ensuring that Section 106 Agreements are complied with. This includes noting when development is being undertaken and assisting Officers in ensuring triggers within Section 106 Agreements are complied with. Ward Councillors should contact Officers for any information on completed Section 106 Agreements.
- 13.11 Breaches of the planning protocol**
- 13.12 Maintaining high ethical standards enhances the general reputation of the Council, its Councillors and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. This Planning Protocol, along with the Members' Code of Conduct are intended to promote these standards.
- 13.13 **Do** be aware of your responsibilities under this Code and the Members Code of Conduct.
- 13.14 **Do** report any apparent breaches of either the Code of Conduct or the Planning Protocol to the Monitoring Officer. **Do** seek advice if you are in doubt.
- 13.15 Failure to comply with the Members Code of Conduct may lead to a complaint to the Monitoring Officer and its being referred to the Council's Standards Committee, which has the power to impose sanctions for breach. Failure to comply with this Planning Protocol may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.

13.16 Allegations on any breach of this Planning Protocol by Members may be referred to the Monitoring Officer, the relevant Leader and/or Chief Whip of the political group.

13.17 Member Advisory Panels

13.18 The Council operates a Members Advisory Panel (MAP) for major applications. The panel is convened as required and is an opportunity for developers to present proposals to Members at an early stage and gain initial feedback to gauge Members initial views on proposals to inform their development. A panel meeting is charged as 1 meeting under the relevant pre-application fee.

13.19 **Purpose:** To enable Members to input into emerging proposals at an early stage to inform the developers thinking and the development of their proposals without prejudicing the views that they may later choose to express in response to any future planning application for the development.

13.20 **Membership of the Panel:** A panel will be convened when a developer submits a proposal for pre-application discussion with officers on a major development and those discussions have progressed to a stage where the developer and officers agree that engaging Members in the discussion would help to progress the matter. Any meeting of the panel will be chaired by the Chair of Planning Committee and will also comprise of:

- Portfolio Holder Strategic Planning
- Portfolio Holder Coast, Country and Environment
- Portfolio Holder for Sustainable Homes and Communities
- Vice Chair Strategic Planning Committee
- Vice Chair Planning Committee
- Ward Members as appropriate to the site (inc. adjacent ward members as appropriate)
- Other relevant portfolio holders and assistant portfolio holders (as appropriate) as determined by the Chair of the Panel
- Relevant officers from key consultees such as Devon County Council etc.
- Relevant officers from other teams and services of EDDC.

13.21 **The Panel Meeting:** Prior to the meeting Members should acquaint themselves with the site and its surroundings. The panel, officers and developers to convene either in person at the Council's offices or virtually through zoom or similar as appropriate.

13.22 The meeting to then follow the format of:

13.22.1 Meeting to open with introductions and Members to declare any interests.

13.22.2 Developer makes a presentation to the Member's Advisory Panel and Officers of no more than 30 minutes.

13.22.3 Members to ask questions of the Developers, seek clarification, test arguments but not to give any form of view in support or against the proposals.

- 13.22.4 Developers are asked to leave the meeting.
 - 13.22.5 Officers advise Members of the key issues and policy considerations as they see it.
 - 13.22.6 Members discuss the merits of the proposal.
 - 13.22.7 Members advise officers of the comments that they wish to feedback to the developer.
 - 13.22.8 Meeting is closed.
 - 13.22.9 Officers draft a response to be sent on behalf of the panel to the developer and circulate with the minutes for panel member's comment.
 - 13.22.10 Final minutes and letter is agreed by the Chair.
 - 13.22.11 Officers send panel response to the developer.
 - 13.22.12 In the event an application is made for the same or similar proposal on the site from the developer then all pre-application details including the panel minutes and letter are published.
- 13.23 **Administration** All meetings to be arranged and administered by the Planning Service. All meetings to be minuted in the same format as committee meetings. All virtual meetings to be recorded and saved.
- 14 **Further guidance on probity in planning and the Code of Conduct**
- 14.1 The Monitoring Officer and Deputy Monitoring Officer will be pleased to assist with councillors' individual queries on the application of the Code of Conduct or this Planning Code of Good Practice.

Probity in Planning, December 2019, issued by the Local Government Association and the Planning Advisory Service Openness and Transparency on Personal Interests: Guidance for Councillors, Department for Communities and Local Government, September 2013. [Note this is general guidance and does not reflect any additional requirements East Devon has chosen to include in its Member Code of Conduct].
<https://www.gov.uk/government/publications/openness-and-transparency-on-personalinterests-guidance-for-councillors>

