

LOCAL CODE OF CONDUCT FOR ELECTED MEMBERS AND OFFICERS INVOLVED IN THE CONSIDERATION OF PLANNING MATTERS

PROPOSED CONTENT

1 General

- 1.1 All County Councillors involved in taking decisions on planning matters in any forum must declare that they will be bound by the Code.
- 1.2 All County Councillors must act at all times in accordance with the National Code of Local Government Conduct and the relevant Statutory Provisions.
- 1.3 Whilst taking account of views in support of and against any proposed development, County Councillors must not favour any particular person, company or group.
- 1.4 Any County Councillor who feels that he or she cannot be bound by these guidelines or whose business or other personal interest bring them into frequent contact with the County Council's planning function, must not seek membership of Committees or Sub-Committees making planning decisions.

2 Declarations of Interest

- 2.1 Before either speaking or voting, members of the Development Control Sub-Committee must declare any pecuniary or non-pecuniary interest in any matter under discussion in line with the National Code and Statutory Requirements. County Councillors are referred to the Buckinghamshire County Council Members Handbook G2 paragraphs 8-12, which sets out the National Code of Conduct including pecuniary and other interests.

- 2.2 Members of the Development Control Sub-Committee who are unsure whether an interest should be declared should seek advice from the Council's Monitoring Officer, although, as indicated by the National Code, the ultimate decision rests with the individual councillor.
- 2.3 Officers must declare any personal or financial interest in any planning matters before the Council, and must not deal with or give advice to members or other officers on them. Officers must maintain their professional integrity and avoid becoming associated with either developers or local pressure groups.

3 Lobbying of Councillors/Members' Procedures

- 3.1 When being lobbied all members and those on the Development Control Sub-Committee in particular, should take care about expressing an opinion which may be taken by the public as indicating that they have already made up their mind on an issue before they have heard all the evidence and arguments.
- 3.2 When speaking at the Development Control Sub-Committee, whether as a member of the Sub-Committee, as a local member or another member speaking with the Chairman's agreement, members are free to articulate the views of their electors on any issue to be determined by the Sub-Committee providing it is made clear on whose behalf he or she is speaking.
- 3.3 County Councillors may listen to any views expressed, but must restrict themselves to giving procedural advice and suggesting that those doing the lobbying write to the Head of Planning and Countryside so that their views could be reflected in any Committee report. Generally County Councillors should not express an opinion, but if they do so they must also indicate that any final decision will rest with the Development Control Sub-Committee.
- 3.4 All County Councillors should avoid belonging to any pressure group actively campaigning for or against, or themselves organising campaigns for or against any development, as this could be seen to be restricting their ability to act objectively. If, nevertheless, a member 7

has agreed to represent the views of any person or organisation, he/she must declare it at the meeting and consider whether this represents a substantial interest.

3.5 County Councillors must not lobby colleagues of the Development Control Sub-Committee or put pressure on officers to support a particular viewpoint.

3.6 Members of the Development Control Sub-Committee must not openly declare which way they intend to vote in advance of a meeting.

i Although it is recognised that political groups may wish to meet prior to a committee meeting, such group meetings must not be used to decide how councillors should vote.

ii The point at which a decision on a planning application is made cannot occur before the meeting of the Development Control Sub-Committee, when all the information and views are available and the merits of the application have been considered.

4 Representations on Planning Applications

4.1 The Sub-Committee welcomes written representations either in support of or against any proposal providing this is received at least one clear working day in advance of the relevant meeting, ie before midnight on a Thursday before any Monday meeting. It is not the County Council's practice to allow the public to speak at its Committee, Sub-Committee or Panel meetings.

5 Officer Reports

5.1 Officer reports should include

a a summary of objections and representations received and the views of consultees;

b the relevant provision of the development plan;

- c any relevant planning history;
- d a technical appraisal of the issues;
- e a firm recommendation;
- f any other relevant information.

5.2 Late information should be presented by an oral update or supported by written documentation where possible.

5.3 If the recommendation is contrary to the development plan, the material consideration justifying an exception must be clearly stated.

6 Development Control Sub-Committee Procedure

6.1 The Development Control Sub-Committee reserves the right to disregard any comments arriving late apart from ones from Statutory Consultees received less than one working day before the date of the meeting. Late responses from statutory consultees will be dealt with on their merits.

6.2 The Development Control Sub-Committee reserves the right to defer consideration of an application to the next meeting for many reasons, including, for example, the receipt of a late response of a fundamental nature.

7 Minuting of Reasons for Refusal or Granting Permission

7.1 Detailed reasons for refusal must always be set out in the minutes.

7.2 For applications granted in accordance with the officer's recommendation, the minutes must refer to the officer's report and any additional supporting information.

7.3 If the Sub-Committee refuses or grants permission for any development contrary to the officer's recommendation, the minute must include a detailed justification for the decision.

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8 Declaration of Contact with Developers

- 8.1 Discussions between applicants and planning officers can be beneficial to both parties. The same applies to objectors or potential objectors. Such contact must take place within clear guidelines.
- 8.2 It must be clear from the outset that any views expressed cannot bind the Council to making any particular future decision.
- 8.3 Advice should be consistent with the Development Plan and other material considerations. Officers taking part in such discussions must make it clear to the other party where the ultimate decision will be taken.
- 8.4 A written note must be made of such discussions, whether meetings or telephone conversations, and placed on file and, where appropriate, a follow-up letter sent confirming the content of the discussion.
- 8.5 Before either speaking or voting at the Development Control Sub-Committee, County Councillors must declare any significant contact between themselves and either applicants, developers, their supporters or objectors, and must declare any information which has been passed to them which is relevant to the deliberations of the Development Control Sub-Committee.

9 Training for Members

- 9.1 As from 1 January 1999 at least 75% of the members of the County Council present at any Development Control Sub-Committee meeting shall have partaken in an appropriate course of training in planning law, policy and procedures. Exceptions will only be allowed in special circumstances (eg when a new membership has been appointed) and with the agreement of the Monitoring Officer.
- 9.2 The training will be available to all County Councillors
- 9.3 Additional training will be available when appropriate.

10 Applications submitted by Councillors or Officers, applications in which they have an interest and the County Council's own development

- 10.1 Any County Councillors who act as agents for people pursuing a planning matter which falls to the County Council to determine must play no part in the decision-making process.
- 10.2 Any County Councillors or officers having a personal or professional interest in the outcome of an application which falls to the County Council to determine must play no part in the determination of such applications.
- 10.3 Applications falling within either of the above categories must be determined by the Development Control Sub-Committee and not officers acting under their delegated powers.
- 10.4 All applications falling within the above categories must be reported to the County Council's Monitoring Officer, who must also note how the application was processed.
- 10.5 Proposals for the County Council's own development must be treated in the same way as those submitted by private developers.

11 Site Visits

- 11.1 Formal site visits may be held in respect of applications where members of the Development Control Sub-Committee consider that this is necessary to familiarise themselves with an application and to place it in its full locational context prior to determination.
- 11.2 Formal site visits will only take place where the Sub-Committee considers that there would be a substantial benefit in doing so and members must be accompanied by a planning officer. Such visits should be for viewing purposes only and to gain information, and members should not entertain any discussions with either applicants or objectors. Members of the Sub-Committee must not make any formal decisions on a proposal during the course of a site visit.

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- 11.3 County Councillors should resist meeting alone with developers or their agents, either on site or at their offices.

12 Confidentiality

- 12.1 There are valid reasons why some planning information should remain confidential. County Councillors and officers must not disclose confidential planning information which is prejudicial to the Council's interests, or its role as the Local Planning Authority, and they must not use such information for personal advantage.

13 Gifts and Hospitality

- 13.1 Officers and County Councillors involved in the planning system must not accept inappropriate gifts and hospitality or rewards or favours from applicants, agents or objectors, as this may be interpreted as an improper inducement, intended to secure a particular planning decision. The offer of gifts or invitations must always be reported to the Monitoring Officer.

In this Code, the following definitions apply:-

County Councillor	-	Any elected member of the County Council.
Lobbying	-	Apply pressure to achieve a desired result.
Monitoring Officer	-	Head of Legal Services