



<b>Meeting Date:</b>	<b>25<sup>th</sup> June 2019</b>
<b>Report Subject:</b>	<b>Planning Protocol &amp; Policy</b>
<b>Contact:</b>	<b>Clerk/Chairman</b>

Ref: 21 Planning Protocol & Policy

## **PROTOCOL FOR MEMBERS AND THE PARISH CLERK DEALING WITH PLANNING MATTERS**

### **1 INTRODUCTION**

- 1.1 Standards in Public Life (the Nolan Principles) emphasise that Members should observe seven principles of public life, i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 The protocol applies to all Members.
- 1.3 The protocol is supplemental to the Members' Code of Conduct. Regard must therefore be given to the relevant provisions in the Members Code of Conduct.

### **2 SCHEME OF DELEGATION**

- 2.1 The weekly list of planning applications, received from BCP Council will be circulated by email to Members as soon as it is received by the Clerk. All applications will be presented to the Council for consideration at the monthly meeting, except where applications are received with a comment submission deadline that is prior to the Council meeting.
- 2.2 In that event, using delegated powers the Chairman and one other nominated Councillor, in consultation with the Clerk will, having taken into consideration any comments received by other Members of the Council, respond to that planning application on behalf of the Council.

### **3 LOBBYING OF MEMBERS**

- 3.1 Lobbying by applicants and objectors is accepted as a normal part of the political process and can take the form of public and private meetings, formal presentations or correspondence. However, it should not occur to such an extent that it compromises the impartiality of the planning process.

- 3.2 While Members may acknowledge their constituents' concerns, they should remain impartial and invite their constituents to attend the Council meeting where their views may be heard and considered by all Members of the Council.
- 3.3 Members should not offer an opinion so that the application may be debated and considered during the Council meeting this will allow for openness and transparency and prevent the risk of the Parish Council being accused of pre-determination.
- 3.4 Invitations to individual Members of the Council to attend presentations or meetings should be declined.
- 3.5 If a Member receives correspondence from an applicant or a third party it should be passed on to the Clerk for inclusion and consideration during the Council meeting.

#### **4 LOBBYING BY MEMBERS**

- 4.1 As a general rule Members should not organise support for or against a particular application and should not lobby other members. Members who go public in favour of a particular outcome could not argue that they approached a particular application with an 'open mind'.

#### **5 APPLICATIONS BY MEMBERS AND OFFICERS**

- 5.1 While it is legitimate for Members and the Clerk and/or their near relatives to submit planning applications, such applications will be reported to the Council.
- 5.2 Neither the Member nor Officer shall take part in the decision-making process and will be required to leave the room.
- 5.3 Members who regularly act as agents for people pursuing planning matters should declare a pecuniary interest and leave the meeting during consideration of the application.

#### **6 SITE VISITS**

- 6.1 Members may view the site of a planning application from areas that are **accessible to the public. In no circumstances should a Member enter land without the permission of the landowner and the occupier.** If the landowner or occupier is present, Members should bear in mind the advice on lobbying.

#### **7 DECISION MAKING**

- 7.1 A Member should never indicate how they intend to vote in advance of the Council Meeting. A Member may hold and even express strong views but in

doing so should make it clear that they are keeping an open mind until they have heard all the relevant considerations.

- 7.2 When making representations on behalf of their constituents, Members should make it clear that it is their constituents' views and not the Member's own that are being expressed. Any representation should not unfairly promote the views of one group against another.
- 7.3 Decisions should be based on material planning considerations a list of which will be issued to Council Members.

## **8 INTERESTS**

- 8.1 It is a fundamental principle that those who have a significant interest in the outcome of a particular planning application should not make decisions relating to that application.
- 8.2 No-one who will be affected by the outcome of a planning application, or whose spouse, family member, business associate or friend will be affected, may take part in either the decision making or the representations relating to a planning application.
- 8.3 Declarations of Interest in a particular planning application should be made prior to the Council meeting or at the time under the Declarations of Interest item on the agenda.
- 8.4 While a Declaration of Interest does not debar a Member from participating in the discussion, where the interest is categorised as prejudicial, the Member should withdraw from the meeting.
- 8.5 The responsibility for making declarations rests with individual Members.
- 8.6 A Member who is a member of the BCP Planning Committee should not participate in the Parish Council's determination of comments on planning applications.

## **9 MEMBER TRAINING**

- 9.1 Members need to have an adequate knowledge of the planning process. The Parish Council will arrange training for members new to the Council. In addition, training sessions to update members of the Council on changes in planning guidance and legislation will be arranged as necessary.

## **10 PLANNING OFFICERS**

- 10.1 While pre-application discussions with Officers can be helpful they should remain within the criteria laid down as genuine planning considerations.
- 10.2 Any advice offered by an Officer cannot bind the Parish Council in respect of any decision.