

PART 4B MEMBER AND OFFICER PLANNING CODE OF CONDUCT

1 Introduction

- 1.1 This Code is applicable to all town and country planning related matters that fall to be determined by the Council as local planning authority and the general principles are applicable to the exercise of other regulatory functions of the Council.
- 1.2 Any references in this Code to members of the area planning panels or the Regulatory and Appeals Committee are also intended to include alternate members only where they sit or propose to sit as a member of an area planning panel or the Regulatory and Appeals Committee.

2 Membership of the Regulatory and Appeals Committee and Area Planning Panels

- 2.1 Any member having a significant involvement in planning or development matters, and so is likely to be regularly prevented from any direct input into the Committee's or area planning panel's business, should not serve on the Regulatory and Appeals Committee or the Bradford, Shipley or Keighley Area Planning Panel.
- 2.2 Members of the Regulatory and Appeals Committee or the Bradford, Shipley or Keighley Area Planning Panel should never personally act as agents for people pursuing a planning matter with the Council.

It is important to secure public and business confidence in the planning system that planning matters are dealt with openly, fairly and without any suspicion of Members or officers having a personal interest in the outcome of planning decisions

3 Declarations of Interest

- 3.1 Members must strictly comply with the requirements as to disclosure of disclosable pecuniary interests contained in the Members' Code of Conduct.
- 3.2.1 A member with a disclosable pecuniary interest must comply with the requirements in the Members' Code of Conduct and not participate in the decision making process. Any such member must withdraw from the meeting room when the matter is discussed.
- 3.3 Members with a disclosable pecuniary interest must also absent themselves from the discussion of the matter during any official briefing process.

This principle is important in order to ensure fairness and transparency of decision-making. It should also be noted that where a Member has an interest in an item, then any obligation not to participate extends outside formal meetings. It applies equally to other official dealings related to the matter in question, for example any contact with the planning officers who are dealing with the application.

In this regard members should be aware that, whilst they are not prevented from seeking to explain or justify a proposal in which they have a disclosable pecuniary interest to an appropriate officer, this code places greater limitations on members than would apply to an ordinary member of the public and sensible steps must be taken to ensure openness and fairness in the decision making process. In particular it is advisable to notify the Monitoring Officer in writing of your own application (or that of a relative or employer where known) or where the member concerned is employed as an agent.

- Note that the proposal will always be reported to Panel for decision and not dealt with by officers under the scheme of delegation.

- Consideration should be given to whether it is advisable to employ an agent to act on the affected member's behalf in dealing with officers and any public speaking at the Planning Panel or Committee.

- Note that affected members have a right to make written representations to officers about the proposal.

Failure to disclose a disclosable pecuniary interest is a criminal offence. Section 34 of the Localism Act 2011 creates criminal offences relating to councillors' and co-opted members' duties under the Code of Conduct. A brief guide to the offences is set out below:

Consequences of failure to Register and Declare Disclosable Pecuniary Interests (s.34(1))

A member is guilty of a criminal offence if without reasonable excuse fails to register disclosable pecuniary interests in accordance with the Code or

• after declaring a disclosable pecuniary interest at a meeting or individual executive decision meeting fails to notify the monitoring officer to update the register or

• fails to disclose a disclosable pecuniary interest and /or participates in a discussion and/ or votes on an item where they have a disclosable pecuniary interest.

Providing False or Misleading Information when registering and declaring Disclosable Pecuniary Interests (s.34 (2))

A member will be guilty of an offence if when registering and / or notifying the monitoring officer of a disclosable pecuniary interest, declaring interests at meetings (including individual executive decision making meetings), s/he either:

• provides false or misleading information and the member knows the information is false or misleading or

• is reckless as to whether the information is true and not misleading.

Prosecutions and Penalty

A prosecution will be investigated by the Police and brought by the Director of Public Prosecutions, not the Council.

- 3.4 Aside from the legal requirement to disclose disclosable pecuniary interests, Planning Members should also disclose non pecuniary interests that might give rise to a public perception that such a member's dealings with a planning matter may be governed not just by issues of the public interest. A member may regard herself/himself as not having a non-pecuniary disclosable interest in a planning or regulatory matter if that matter solely relates to:

3.4.1 Another relevant authority of which s/he is a member

3.4.2 Another public authority of which s/he is a member

3.4.3 A body to which s/he has been appointed or nominated by the Council as its representative.

Examples of circumstances in which Members and Officers would be expected to disclose a non-pecuniary interest and not participate in consideration of the related item include:

- A member or officer's own application or made on her/his own behalf or circumstances where (despite the requirements of paragraph 2.2 above) a member or officer is representing or acting as agent (in any capacity) for an applicant. Any such application must be dealt with at an area planning panel.***

- *The involvement of a member or her/his family in a consultancy, agency or company that may potentially be involved in related land or property dealings or construction within the district.*
- *Close working relationships, friendships or family connections of a member or officer with a consultancy, agency, developer, construction company or land or property owners (other than a member's own home) which operates in the locality and has an interest in a planning application or development generally within the district.*
- *Close neighbours involved in a planning application.*
- *Where a Planning Member lives in very close proximity to the Site or location of issues related to a planning matter and it could be perceived by the public that the member concerned could be directly affected in their personal capacity by the matter in issue.*
- *Where an elected member is also a member, representative or employee of an organisation, charity, society, campaigning or pressure group or club, which has a direct interest though not necessarily a pecuniary interest in a planning application, including a voluntary organisation, development or partnership agency, housing association, etc.*
- *Membership of another committee, sub-committee or advisory body of the Council that is promoting, advocating approval of, or has passed a resolution opposing an application.*
- *Where a member has a non pecuniary interest as set out above in land or property subject to discussion as part of the Local Plan process.*

There may be circumstances where a member only becomes aware that s/he has an interest during discussion of the item at the meeting. In the circumstances the member concerned should bring this to the attention of the chair disclose the nature of the interest, and leave the meeting room during all subsequent consideration of the item. The legal responsibility lies with individual members to disclose an interest where appropriate. Legal advice should always be sought where in doubt, but generally speaking members should always err on the side of declaring an interest where there is any uncertainty.

- 3.5 Having declared a pecuniary interest and then having stood down from the Regulatory and Appeals Committee or relevant panel during discussion of an item paragraph 19 of the Council's Members Code of Conduct applies. Therefore the member concerned is able to avail

themselves of the same limited rights to make representations to the panel or Committee as any member of public under the normal public participation rules set by the Chair of the meeting before forthwith withdrawing from the committee room.

4 Predetermination and Bias

- 4.1 Members of the relevant area planning panel or the Regulatory and Appeals Committee should avoid openly expressing a view for or against a proposal or act as advocate for the views of interested supporters or objectors in advance of the meeting until after they have heard or considered all relevant material evidence and arguments (including issues observed at any related formal site visit),

To do so could lead a fair minded and informed observer to conclude that there was a real risk that the member concerned had predetermined the outcome.

- 4.2 Where despite the advice given in 4.1 a planning member has put themselves in a position where they could be considered or perceived to have predetermined the outcome of a planning decision then they must disclose this fact at the start of the meeting and a record of such disclosure will be made in the minutes of the meeting. The member concerned must not then participate in any discussion or determination of the item.
- 4.3 Having disclosed that they could be considered or perceived to have predetermined the outcome of a planning decision then having stood down from the Regulatory and Appeals Committee or relevant panel during discussion of an item it is not appropriate for that member to seek to speak as an objector or supporter of the application or planning proposal in question.

Planning members need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in a transparent, open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration. The basic legal position is that a Councillor

should not take part in making a decision on a planning matter if he or she is biased or has predetermined the matter. Councillors should bring an unbiased, properly directed mind to the consideration of any matters before them at Committee. This does not mean that Councillors are not entitled to have and to express opinions about general planning matters, or planning cases as confirmed by section 25 of the Localism Act 2011. However, they must approach, and must be seen to approach, matters before them with an open mind.

Members should be aware that in most cases issues of predetermination will not amount to a pecuniary or non-pecuniary interest for the purposes of the Council's Members Code of Conduct. However, depending on the facts of the case there is the potential for allegations of breaches of the standards of conduct set out in Part One paragraphs 1 and/or 4 of the Council's Members Code of Conduct i.e. because a planning member who renders the decision of a council unlawful due to predetermination might reasonably be regarded as bringing the authority or her/his office into disrepute or attempting to use their position on the determining panel/committee to improperly confer or secure advantage for their self or another person.

There may be cases where issues of predetermination also bring into question possible issues of personal and prejudicial interests. An example of this would be where a planning member has publicly made a firm statement about how an application should be determined where that member also has a close friendship or association with the applicant or an objector. In such circumstances both a declaration of a personal and prejudicial interest; and a disclosure that the member could be considered or perceived to have predetermined the outcome of the planning decision should be made.

The Council's Constitution allows for planning applications to which the Town and Country Planning (Consultation) (England) Directions 2009 apply to be referred by the Strategic Director (Regeneration) to the appropriate Area Planning Panel so that the Panel can express its views and then, if the Panel would have been minded to grant the application, make a recommendation to the Regulatory and Appeals Committee. This process gives rise to the possibility of a member of the Panel who is also a member of the Committee having expressed their views and voted on an application by the time the application comes before the Committee for determination. It is in order for such "dual-hatted" members to fully participate when the application is considered by the Committee. However; in the interests of transparency, affected members are advised to publicly disclose their involvement with the Planning Panel but stress that they are approaching the matter at the Regulatory and Appeals Committee with an open mind and in

the light of any new material planning issues that may be brought to their attention since the Planning Panel considered the application.

5 Planning Applications from Councillors or Officers

- 5.1 If a councillor, officer employed within the planning service, or an officer recognised as part of the Council's "top management" submits their own proposals or those of a spouse, partner, business associate or client, or close relative to the Council, they must take no part in its consideration. The Council's Strategic Director Regeneration must be informed of such proposals. All such applications must clearly state on the application form the status of such a councillor or officer.

These proposals must always be reported to the Committee or relevant area planning panel as main items and must not be dealt with by officers under delegated powers. Councillors considering an application must of course consider whether the nature of any relationship with the Councillor submitting the planning application could lead to an accusation of bias. Mere membership of the same political group is unlikely to lead to an appearance of bias, but a close friendship could.

- 5.2 As part of the officer report to the Committee or panel, the Strategic Director Regeneration must confirm the reason why the application is being reported to the Committee or area planning panel in accordance with this requirement and name the officer or councillor concerned.

6 Planning Applications from the Council

- 6.1 Proposals by the Council in relation to its own development must be treated in the same way as those by private developers in accordance with DoE Circular 19/92, or any other relevant circular, particularly in relation to officer advice and consideration of the planning merits of the application.
- 6.2 Councillors who sit on both the initiating committee and the relevant determining area planning panel or Regulatory and Appeals Committee must declare an interest and leave the meeting room when the application is being considered.

7 Officer Reports

- 7.1 All officer reports to Area Planning Panels or the Regulatory and Appeals Committee should generally be in writing and fully detailed, including the substance of all objections and other representations received.

- 7.2 Oral reports should generally only be used to update members about further material information or representations received after the agenda has been circulated. Oral reports may also be necessary where items have had to be referred to an Area Planning Panel or the Regulatory and Appeals Committee outside the main agenda for reasons of urgency. However, even in these circumstances officers should where time permits present a written report summarising the main material issues which can be circulated to members and interested parties.
- 7.3 Where oral reports or updates are given the minutes of the meeting should confirm that this information was given orally and fully note the substance of relevant information given in the oral report.
- 7.4 All reports should contain an exposition of the Local Plan context, relevant planning policies, site history, a technical appraisal, and suggested reasons for approval/refusal/service of notices; any relevant conditions/planning obligations and a clear recommendation.
- 7.5 Where the recommendation contained in the report would, if acted upon, be contrary to any policies set out in the National Planning Policy Framework or the Local Plan then the report should fully detail the material circumstances justifying the recommendation.

8 Lobbying

- 8.1 Elected members on the relevant area planning panel or Regulatory and Appeals Committee should avoid organising the support or opposition to planning applications, acting as an advocate in support or opposition to an application or lobbying other members.

Where a member is in this position they must declare an interest in the item and not participate.

- 8.2 Elected members on the relevant area planning panel or Regulatory and Appeals Committee must refer any approaches by lobbyists, agents, applicants, etc to planning officers.
- 8.3 Where members of the relevant area planning panel or the Regulatory and Appeals Committee are approached by developers wishing to discuss or make a special presentation of their development proposals outside of the formal meeting, then such requests should be declined.

If a special presentation would be helpful in reaching a decision, then with the agreement of the chair, this should be arranged as part of a formal meeting of the area planning panel or Regulatory and Appeals Committee so that other interested parties are able to

participate if they wish. The chair may, at her/his discretion, arrange a special meeting for this purpose.

- 8.4 Elected members must not put pressure on officers for a particular recommendation.
- 8.5 More senior officers of the Council should not exert pressure on planning case officers to alter their recommendation on how a planning matter should in their professional opinion be determined.

The Royal Town Planning Institute Code of Professional Practice requires, inter alia, that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion. As a result, planning officers views will be presented on the basis of their overriding professional obligation of professional independence which may on occasion be at odds with the views, opinions or decisions of the Committee or its members.

- 8.6 Ward councillors who also sit on the relevant area planning panel or the Regulatory and Appeals Committee, when in receipt of representations from constituents must confine themselves simply to communicating the views of their constituents to planning officers or to the chair and the relevant area planning panel or Committee as a whole. They should not adopt a firm and fixed position on an application or other matter prior to the item being fully considered.

Where possible; correspondents or lobbyists should be directed to another ward councillor who is not on the relevant area planning panel or the Regulatory and Appeals Committee.

- 8.7 In order to ensure transparency of decision-making and avoid any imputation of unfair lobbying of the Committee or area planning panel members, ward councillors who are not members of the Committee or panel should not attend or participate in official briefing meetings during discussions of items they are supporting or objecting to. The current agreed arrangements for briefing Committee and area planning panel members on legal and procedural issues are included in the Appendix to this Code.
- 8.8 Party whips or the chairs of the Committee or area planning panel must not direct any member, or officer acting under delegated powers, to vote on or determine an item in a particular way.

A standard letter explaining that members of the Committee and the Bradford or the Shipley and Keighley Area Planning Panels have a neutral position on planning matters is available from the Strategic Director Regeneration. This should be sent out to all applicants and objectors when representations are received.

As all ward members receive lists of planning applications in their ward, those not on the Committee or the Bradford or the Shipley and Keighley Area Planning Panels should be advised of possible approaches by lobbyists in light of the constraints applicable to the Committee and Bradford or the Shipley and Keighley Area Planning Panel members.

9 Gifts and Hospitality

- 9.1 Where members of the relevant area planning panel or the Regulatory and Appeals Committee are offered hospitality or gifts from any person who they know or suspect to be an applicant, agent, or interested party (including an objector) in a planning matter due to be considered by the Planning Panel/Committee this should be declined.

Part 4D of the Council's Constitution contains detailed advice on the Protocol for Members Gifts and Hospitality.

10 Right to make Representations

- 10.1 All Council members have the right to make written comments on an application and attend meetings of the Committee and the Bradford, Shipley & Keighley Area Planning Panels. Ward members representing the ward within which the site concerned is situated also have the right to speak. Other members (subject to any issues concerning the need to declare an interest and not participate as discussed elsewhere in this Code) who have indicated that they wish to make representations on behalf of supporters or objectors may speak at the discretion of the chair and in line with procedures drawn up by the Strategic Director Regeneration in consultation with the chair.

Members when approached should advise lobbyists, agents, applicants and objectors of any known public consultation arrangements, the standard representation system adopted by the Council (including timescales), for which there are information sheets and notes for guidance, and the public speaking rights available.

- 10.1 The rights of parish or town Council's to make representations are set out in the Council's approved Protocol. Where a Parish/Town Council requests that an application be determined by the Area Planning Panel/Committee, the request must relate to a material planning consideration and where the request is the sole reason for the application to be brought to Panel/Committee, the Parish/Town Council are required to confirm to the Planning Department that a parish/town councilor will attend the Panel to report the Parish/Town Council's views.

11 Committee and Area Planning Panel Members Meeting Lobbyists

- 11.1 On those limited occasions where elected members on the Committee or the area planning panel do meet lobbyists, etc, outside formal meetings or organised site visits they should do so whenever possible in the presence of a professional officer, preferably a planning officer. This is especially important if the lobbyists concerned are professionally represented.
- 11.2 On attending any such meeting elected members of the relevant area planning panel or Regulatory and Appeals Committee should agree only to listen and question but should either express no comment or make it clear that they are unable to commit themselves to a point of view with lobbyists, agents, applicants or third party objectors, etc, prior to the full determination of the application by the Panel or the Committee.
- 11.3 The agenda of any such meeting should be restricted to material planning matters and relevant development plan policies as advised by the planning officer.
- 11.4 Elected members should not attempt to negotiate on planning matters with applicants, lobbyists, agents, or third party objectors, etc.
- 11.5 At the conclusion of any such meeting it must be made clear that any comments made by the elected members are personal rather than those of the Council, are made without prejudice and are provisional pending other evidence, consultations and officer advice.
- 11.6 A full record should be taken of the meeting and agreed outcomes should be minuted.
- 11.7 Where hospitality is offered a record of that offer should be kept, whether it is accepted or not. Where hospitality is unavoidable it should be kept to a minimum.

It is important that members are seen to have taken account of all material considerations and representations before making a decision. Unrestricted contact with applicants, lobbyists, agents, or third party objectors outside of formal meeting runs the risk of decisions being perceived to be partial.

12 Pre-application Discussions – Members and Officers

- 12.1 It should always be made clear at the outset that discussions will not bind the Council to making a particular decision and that any views expressed are personal, provisional and given without prejudice to full and proper consideration of any application that maybe made subsequently.
- 12.2 Advice should be consistent and based upon the Local Development Plan and other material considerations.

- 12.3 A written note should be made of any discussions or meetings. Two or more officers should attend potentially contentious meetings. A follow-up letter from the Council should set out the matters discussed, comments made, and any agreed action.
- 12.4 Care must be taken to ensure that advice is not partial (nor seen to be) otherwise a subsequent report could appear to be advocacy. To maintain impartiality, and its appearance, it is preferable that councillors do not take part in such discussions. Should there, however, be occasions when councillors are involved they should be advised by appropriate professional officers from the Council (which must always include a senior planning officer) and be authorised, on a case-by-case basis, by the relevant area planning panel or following notification to the chair or deputy chair. The actual officer(s) who will attend must be agreed in advance between the chair and the Strategic Director Regeneration.
- 12.5 The involvement of councillors in such discussions should be recorded in the Committee or area planning panel report (where appropriate) and notes of the meeting (which should always be sent to all parties attending the meeting) must be kept on the planning file.

13 Decisions by Officers Under Delegated Powers

- 13.1 The principles and spirit of this Code apply equally to planning decisions taken by officers under delegated powers.
- 13.2 All such decisions must be made on their planning merits and in accordance with Standing Orders and the Scheme of Delegation of Planning Decisions.

14 Function of Agenda Preparation Meeting

- 14.1 The role of the agenda preparation meeting should be confined to appraising the chair of the planning implications and representations made about particular applications or other planning matters for the purpose only of deciding which of these should be referred to the Committee or area planning panel or can be dealt with by officers under the Scheme of Delegation of Planning Decisions. When a member requests in writing, or by any other formal means, that an application which relates to their ward be considered by the Committee or the area planning panel, as appropriate, the application shall be considered by the Committee or panel in accordance with the Scheme of Delegation approved by the Regulatory and Appeals Committee.
- 14.2 No actual decisions on any individual applications should be made at an agenda preparation meeting by officers, nor should any pressure be put on officers or directions given by the chair, other members or more senior

officers on how a particular application or planning matter should be determined by officers.

- 14.3 Under Article 14 of the Constitution, the Strategic Director Regeneration is always entitled to refer any item to an area planning panel or the Regulatory and Appeals Committee where s/he considers it expedient to do so. The Strategic Director Regeneration should not be pressurised or instructed to waive the exercise of this right where she/he considers this to be desirable.

15 The Decision of Officers

- 15.1 No decision of officers acting under delegated powers should be taken without the benefit of a proper written appraisal of all the relevant planning issues.
- 15.2 A full and formal record of the decision must be made, including details of the relevant part of the Scheme of Delegation giving authority to the officer concerned, any relevant planning conditions, and any relevant reasons for refusal or reasons for serving planning notices.
- 15.3 All such written records should be dated and kept in an official 'Record of Delegated Decisions' that must be open to public inspection.
- 15.4 Any decisions taken under delegated powers should be taken entirely separate to the agenda preparation meeting.
- 15.5 There should not be any reference to the agenda preparation meeting in the Record of Delegated Decisions.

16 Decisions at Committee/Planning Panel

- 16.1 Councillors making planning decisions must come to meetings with an open mind and demonstrate they are open minded.
- 16.2 Planning Members must comply with section s38 Planning & Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless material considerations indicate otherwise;
- 16.3 Planning Members must not vote or take part in the discussions at Panel/Committee on a proposal unless present to hear the entire debate including any officer introduction/or presentation of substantive agenda item.

- 16.4 Planning Members should come to a decision only after due consideration of all information reasonably required upon which to base such a decision;
- 16.5 It is appropriate to request further information if it is felt there is insufficient information before the Panel/Committee to reach a decision;
- 16.6 Where proposing, seconding or supporting a decision contrary to officer recommendation, Planning Members must identify the material planning reasons (supported by relevant planning policies) behind the decision before the vote is taken which may have to be justified in the event of an appeal or other challenge (and in the event of a proposal to grant planning permission contrary to officer recommendation propose relevant conditions and reasons for conditions to be attached to the planning permission). If Planning Members are unable to do this immediately, they should request an adjournment or a deferral in order to seek advice and/or formulate the reasons/conditions.

It is important that those planning members proposing and seconding resolutions contrary to officer recommendations recognise they are required to ensure that the reasons for their decision must be clear and based on material planning considerations and policies. Officers can assist members in formulating the detailed wording of proposed resolutions or assisting members identifying relevant policy details but officers should not provide or be asked to provide reasons which have not been expressly identified as part of the resolution of the proposing/seconding planning members.

17 Site Visits

- 17.6 Any elected member on an Area Planning Panel or the Regulatory and Appeals Committee who has been lobbied or taken part in discussions on independent site visits with respect to a planning matter, aside from the Committee or Area Planning Panel's approved site visit, must declare this at the relevant Area Planning Panel or Committee meeting when the application is considered.
- 17.7 Any member of the relevant Area Planning Panel or Regulatory and Appeals Committee may request a site visit subject to giving sound and relevant planning reasons why a site visit is needed in order to give the matter due consideration. In the interests of administrative efficiency Panel/Committee members are expected to indicate whether they consider a site visit is required at the pre-meeting member briefing (or prior to the formal start of the meeting (in the absence of such briefing). This is subject to due consideration being given to any request that a planning member may need to be made in the light of additional

information coming to light during presentation of an item that the relevant member reasonably considers requires a physical viewing of the site before they can make a fully informed decision on how the application should be determined. Such requests should normally be acceded to unless all the Members sitting on the Area Planning Panel or Regulatory and Appeals Committee have previously visited the site and it is concluded that a further visit is not necessary.

- 17.8 Where sound and relevant planning reasons have been given, the Chair will give due consideration to requests for site visits made by other elected members (particularly ward members) or other interested parties. Such requests should be made in writing or verbally prior to the commencement of meetings of the Area Planning Panel or Regulatory and Appeals Committee (save in exceptional circumstances where it was not reasonably possible to make such request prior to the commencement of the relevant meeting of the Area Planning Panel or Regulatory and Appeals Committee). In deciding whether to accede to such requests for a site visit consideration will be given to such factors as to the adequacy/clarity of the written, oral and audio visual report of officers in identifying/illustrating all factors and details relevant to determination and to the extent that the determining planning members are familiar with relevant site characteristics.

- 17.9 During a site visit any meeting of the Area Planning Panel or Regulatory and Appeals Committee is 'in session' and, in particular, the Chair is responsible for presiding over proceedings during a site visit.

Any member, who has previously declared a pecuniary or non pecuniary interest in an agenda item subject to a site visit, should not participate in the related site visit.

- 17.10 Members should attend the site visit as a group and any representations on the site visit made by third parties may only be allowed at the discretion of the Chair and must be made to the visiting Area Planning Panel or Regulatory and Appeals Committee members as a whole.

- 17.11 Generally speaking such representations will only be allowed on the invitation of the Chair in order to clarify factual matters not apparent to members by way of visual inspection of the site alone.

- 17.12 Individual members should not enter into separate discussions with third parties on site visits in isolation from the relevant Area Planning Panel or Regulatory and Appeals Committee Members as a whole.

- 17.13 No decision in respect of the planning application must be made on the site visit.

18 Enforcement

- 18.1 The Standards Committee has responsibility for dealing with any breach of this Code.
- 18.2 Allegations of any breach must be made in writing to the Monitoring Officer.
- 18.3 Breach of the rules applying to officers may be the subject of disciplinary action.

19 Training in the planning process for planning members

- 19.1 All full and alternate members of the area planning panels or the Regulatory and Appeals Committee must undertake initial training on how the planning system operates as provided by the Council in a seminar and/or workshop programme, or individual training sessions with Members, within 8 weeks of appointment to their role.
- 19.2 Newly appointed planning members must not sit as members of the determining area planning panel or the Regulatory and Appeals Committee unless or until they have obtained a certificate issued by the Assistant Director Planning confirming that they have received such initial training; save that the City Solicitor may, in consultation with the Chair of the Panel/Committee, grant a temporary dispensation allowing a member who has not yet received such initial training to participate in a meeting in the interests of efficient administration in order to ensure the meeting is quorate.
- 19.3 Where a temporary individual dispensation has been granted to a planning member in accordance with 19.2 above; where practicable the member concerned should receive a detailed briefing on the material planning issues by officers prior to the meeting and be subsequently required to receive initial training as soon as reasonably practicable thereafter.
- 19.4 All Members with a role within the planning process must take reasonable steps to attend or participate in relevant update and refresher training/briefing initiatives as and when such initiatives are made available by the Council.

20 Annual review of planning decisions

- 20.1 Officers will make arrangements to provide for an annual review of planning decisions, including decisions to take enforcement action, made by its committees, officers, by the Planning Inspectorate on appeal and of cases considered by the local government ombudsman. The review will be reported to the Regulatory and Appeals Committee for consideration.

- 20.2 The review will provide for the selection of sample decisions and will include examples from each area of the district and of both major and minor applications. If deemed appropriate by the Chair of the Regulatory and Appeals Committee site visits will also be arranged to view some of the sample sites “as built”.

The Audit Commission in its Building in Quality: A Study of Development Control (Local Government Report) (published 14th May 1992) recommended that planning members should be given the opportunity to revisit a sample of implemented planning permissions in order to assess the quality of decision-making. Such a review should act as an aid to improve the quality and consistency of decision making, strengthen public confidence in the planning system, and help identify areas that justify review of planning policies or procedures.

All full and alternate members of the Area Planning Panels and the Regulatory and Appeals Committee will be invited to the review meeting.

APPENDIX

ORDER OF BUSINESS AT THE REGULATORY AND APPEALS COMMITTEE AND AREA PLANNING PANELS AND THE BRIEFING ARRANGEMENTS

1. A short all party briefing restricted to members of the Committee or Area Planning Panel and advising officers will take place prior to the Committee or Area Planning Panel meetings to deal with any questions from members about legal and procedural issues such as obtaining advice about declarations of interest. Any member who intends to declare an interest on any item on the agenda should absent her or himself during substantive discussion of the item at the briefing.
2. The meeting will be opened and the officer report presented on each of the items on the agenda of the Committee or Area Planning Panel. Ward members, developers, the public and other third parties will be heard at the discretion of the chair and in accordance with established protocol agreed by the chair in accordance with the Council's Constitution. Questions of clarification will be answered and at this point the meeting will have the discretion to either move to a decision or to defer a decision until later in the day because of the need for further information, legal advice or a site visit. Site visits will be agreed.
3. If site visits have been agreed these will take place.
4. On return from site visits the Committee or Area Planning Panel may decide to meet as a whole for a further briefing in order to receive advice and discuss any issues which may have arisen from any requests for further information, legal advice arising from the meeting or from the site visits. Any member who has declared an interest (and the interest is a prejudicial interest on any item on the agenda) should absent her or himself during discussion of the item at the briefing.

This order of business will have the advantage of transparency in that no discussion on the merits of an application will have taken place before all parties have had the chance to have their say.